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THE TRIAL

OF

CHARLES ANGUS, ESQ.

ON AN INDICTMENT

FOR

THE WILFUL MURDER

OF

MARGARET BURNS,

AT THE

ASSIZES HELD AT LANCASTER,

ON FRIDAY, 2d SEPT. 1808.

Before the Hon. Sir ALAN CHAMBRE,
One of the Justices of his Majesty's Court of Common Pleas.

Taken in Short Hand

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THE TRIAL
OF
CHARLES ANGUS, ESQ.
FOR
THE MURDER OF
MARGARET BURNS.

At the Summer Assizes for the County of Lancaster, holden at the Castle of Lancaster, before the Honorable Sir Alan Chambre, Knight, one of the Justices of his Majesty's Court of Common Pleas, and the Hon. Sir Geo. Wood, Knight, one of the Barons of his Majesty's Court of Exchequer; the Grand Jury found a Bill of Indictment against Charles Angus, for the Wilful Murder of Margaret Burns.

The Trial was appointed to take place, on Friday, 2nd September, 1808.

COURT ROOM, LANCASTER,

Friday, September 2nd, 1808.
Before the Honorable Sir Alan Chambre, Knight.

COUNSEL

For the Prosecution,	*For the Prisoner,*
MR. SERJT. COCKELL,	MR. TOPPING.
MR. HOLROYD,	MR. SCARLET,
MR. RAINE,	MR. CROSS,
MR. CLARKE,	
Solicitor.	*Solicitor.*
MR. STATHAM.	MR. ATKINSON.

The Court being opened, and Charles Angus set to the Bar, he was arraigned on the Indictment, to which he pleaded not guilty. Then the Pannel returned by the High Sheriff was called over, and the following were sworn

THE JURY.

Thomas Briggs,	John Greenwood,
John Jackson,	William Hargreaves,
John Strickland,	Richard Hartley,
James Roberts,	John Fawcett,
Thomas Clark,	Thomas Thornbull,
Thomas Burrow,	Thomas Wilkinson,

Mr. Aspden, the Clerk of Arraigns, charged the Jury with the Prisoner, in the usual form, on the following Indictment.

LANCASTER
SUMMER ASSIZES, 1808.

The King against Charles Angus,
FOR MURDER.

THE INDICTMENT STATES,

That Charles Angus late of Liverpool in the County of Lancaster Merchant not having the fear of God before his Eyes but being moved and seduced by the instigation of the Devil on the twenty third day of March in the forty eighth year of the Reign of our Sovereign Lord George the Third of the United Kingdom of Great Britain and Ireland King Defender of the Faith with force and arms at Liverpool aforesaid in the County aforesaid knowingly wilfully feloniously and of his malice aforethought did give and administer to one Margaret Burns Spinster a certain deadly Poison that is to say solution of corrosive sublimate of Mercury for her the said Margaret Burns to take drink and swallow down the said poison into the body of her the said Margaret Burns he the said Charles Angus then and there well knowing the same to be deadly Poison as aforesaid and that the said Margaret Burns did then and there take drink and swallow down into the Body of her the said Margaret Burns the said Poison so given and administered to her by the said Charles Angus as aforesaid and thereupon the said Margaret Burns by the Poison aforesaid so as aforesaid taken drinken and swallowed down into the Body of her the said Margaret Burns and by the operation thereof became then and there sick and distempered in her Body and the said Margaret Burns of the Poison aforesaid and by the operation thereof and of the sickness and and distemper thereby occasioned from the said twenty-third day of March in the year aforesaid until the twenty-fifth day of the said month in the same year at Liverpool aforesaid in the County aforesaid did languish and languishing did live on which said twenty-fifth day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid she the said Margaret Burns of the Poison aforesaid and by the operation thereof and of the sickness and distemper thereby occasioned

did die and so the Jurors aforesaid upon their oath aforesaid do say that the said Charles Angus her the said Margaret Burns by the means and in the manner aforesaid feloniously wilfully and of his malice aforethought did Poison kill and Murder againt the peace of our said Lord the King his Crown and Dignity And the Jurors aforesaid upon their Oath aforesaid do further present that the said Charles Angus not having the fear of God before his Eyes but being moved and seduced by the instigation of the Devil on the said twenty third day of March in the year aforesaid with force and arms at Liverpool aforesaid in the County aforesaid knowingly wilfully feloniously and of his malice aforethought did intice and persuade one other Margaret Burns Spinster to take drink and swallow certain deadly Poison that is to say solution of corrosive sublimate of Mercury he the said Charles Angus then and there well knowing the same to be deadly Poison by reason of which said Inticement and persuasion of the said Charles Angus the said last-mentioned Margaret Burns afterwards to wit on the same day and year last aforesaid at Liverpool aforesaid in the County aforesaid not knowing the said last-mentioned Poison to be Poison did take drink and swallow down the said last-mentioned Poison into the Body of her the said Margaret Burns and thereupon the said last-mentioned Margaret Burns by the Poison last aforesaid so as aforesaid taken drunk and swallowed down by the Incitement and persuasion of him the said Charles Angus as aforesaid into the Body of her the said last-mentioned Margaret Burns became then and there sick and distempered in her Body and the said last-mentioned Margaret Burns of the Poison last aforesaid and by the operation thereof and of the sickness and distemper thereby occasioned from the said twenty-third day of March in the year aforesaid until the twenty-fifth day of the said month in the same year at Liverpool aforesaid in the County aforesaid did languish and languishing did live on which said twenty-fifth day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid she the said last-mentioned Margaret Burns of the Poison last aforesaid and by the operation thereof and of the sickness and distemper thereby occasioned did die and so the Jurors aforesaid upon their Oath aforesaid do say that the said Charles Angus her the said last-mentioned Margaret Burns by the means and in the manner last aforesaid feloniously wilfully and of his Malice aforethought did Poison kill and Murder against the Peace of our said Lord the King his Crown and Dignity And the Jurors aforesaid upon their Oath aforesaid do further present that before and at the Time

of committing the offence hereinafter next mentioned to wit on the said twenty-third day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid one other Margaret Burns Spinster was with-child and the said last-mentioned Margaret Burns being so with-child the said Charles Angus not having the fear of God before his Eyes but being moved and seduced by the instigation of the Devil and feloniously wilfully and of his Malice aforethought devising and intending to cause the said last-mentioned Margaret Burns being so with child as aforesaid to miscarry of the same afterwards to wit on the said twenty-third day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid with force and arms wilfully feloniously and of his Malice aforethought did give and administer certain other deadly Poison that is to say solution of corrosive sublimate of Mercury to her the said last mentioned Margaret Burns being then and there with-child as aforesaid for her the said last-mentioned Margaret Burns to take drink and swallow down the said last-mentioned Poison into the Body of her the said last-mentioned Margaret Burns with intent thereby to cause her the said last-mentioned Margaret Burns being so with-child as aforesaid to miscarry of the same and that the said last-mentioned Margaret Burns did then and there take drink and swallow down the said last-mentioned Poison into the Body of her the said last-mentioned Margaret Burns And thereupon the said last-mentioned Margaret Burns by the Poison last aforesaid so as aforesaid taken drunk and swallowed down into the Body of her the said last-mentioned Margaret Burns and by the operation thereof became then and there sick and distempered in her Body and the said last-mentioned Margaret Burns of the Poison last aforesaid and by the operation thereof and of the Sickness and Distemper thereby occasioned from the said twenty-third day of March in the year aforesaid until the twenty-fifth day of the said Month in the same year at Liverpool aforesaid in the County aforesaid did languish and languishing did live on which said twenty-fifth day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid she the said last-mentioned Margaret Burns of the Poison last aforesaid and by the operation thereof and of the sickness and distemper thereby occasioned did die and so the Jurors aforesaid upon their Oath aforesaid do say that the said Charles Angus her the said last-mentioned Margaret Burns by the means and in the manner last aforesaid feloniously wilfully and of his malice aforethought did Poison Kill and Murder against the Peace

of our said Lord the King his Crown and Dignity And the Jurors aforesaid upon their Oath aforesaid do further present that before and at the Time of committing the offence hereinafter next mentioned to wit on the said twenty-third day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid one other Margaret Burns Spinster was with-child and the said last-mentioned Margaret Burns being so with-child as aforesaid that the said Charles Angus not having the fear of God before his Eyes but being moved and seduced by the instigation of the Devil and feloniously wilfully and of his Malice aforethought devising and intending to cause the said last-mentioned Margaret Burns being so with-child as aforesaid to miscarry of the same afterwards to wit on the said twenty-third day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid with force and arms feloniously wilfully and of his Malice aforethought did intice and persuade the said last-mentioned Margaret Burns to take drink and swallow down certain other deadly Poison that is to say solution of corrosive sublimate of Mercury into the Body of her the said last-mentioned Margaret Burns with intent thereby to cause her the said last-mentioned Margaret Burns being so with-child as aforesaid to miscarry of the same by reason of which last-mentioned Incitement and persuasion of the said Charles Angus the said last-mentioned Margaret Burns afterwards to wit on the same day and year last aforesaid being then with-child as aforesaid at Liverpool aforesaid in the County aforesaid not knowing the said last-mentioned Poison to be Poison did take drink and swallow down the said last-mentioned Poison into the Body of her the said last-mentioned Margaret Burns and thereupon the said last-mentioned Margaret Burns by the Poison last aforesaid so as aforesaid taken drunk and swallowed down into the Body of her said last-mentioned Margaret Burns and by the Operation thereof became then and there Sick and Distempered in her Body and the said last-mentioned Margaret Burns of the Poison last aforesaid and by the operation thereof and of the Sickness and Distemper thereby occasioned from the said twenty-third day of March in the year aforesaid until the twenty-fifth day of the same month in the same year at Liverpool aforesaid in the County aforesaid did languish and languishing did live on which twenty-fifth day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid the said last-mentioned Margaret Burns of the Poison last aforesaid and by the operation thereof and of the

Sickness and Distemper thereby occasioned did die and so the Jurors aforesaid upon their Oath aforesaid do say that the said Charles Angus her the said last-mentioned Margaret Burns by the means and in the manner last aforesaid did Poison Kill and Murder against the Peace of our said Lord the King his Crown and Dignity And the Jurors for our Lord the King upon their Oath aforesaid do further present that before and at the time of committing the Offence hereinafter next mentioned to wit on the said twenty-third day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid one other Margaret Burns Spinster now deceased was living and with-child and that the said last-mentioned Margaret Burns so being with-child as aforesaid not having the fear of God before her Eyes but being moved and seduced by the instigation of the Devil and feloniously wilfully and of her Malice aforethought devising and intending to cause herself the said last-mentioned Margaret Burns being then and there with-child as aforesaid to miscarry of the same afterwards and in the Life time of the said last-mentioned Margaret Burns to wit on the same day and year aforesaid with force and arms at Liverpool aforesaid in the County aforesaid feloniously wilfully and of her malice aforethought did take drink and swallow down a certain other deadly Poison that is to say solution of corrosive sublimate of Mercury into the Body of her the said last-mentioned Margaret Burns with intent thereby to cause herself the said last-mentioned Margaret Burns being then and there with-child as aforesaid to miscarry of the same and thereupon the said last-mentioned Margaret Burns by the Poison last aforesaid so as aforesaid taken drunk and swallowed down into the Body of her the said last-mentioned Margaret Burns and by the Operation thereof became then and there sick and distempered in her Body and the said last-mentioned Margaret Burns of the Poison last aforesaid and by the Operation thereof and of the sickness and distemper thereby occasioned from the said twenty-third day of March in the year aforesaid until the twenty-fifth day of the said Month in the same year at Liverpool aforesaid in the County aforesaid did languish and languishing did live on which said twenty-fifth day of March in the year aforesaid at Liverpool aforesaid in the County aforesaid she the said last-mentioned Margaret Burns of the Poison last aforesaid and by the Operation thereof and of the Sickness and Distemper thereby occasioned did die And so the Jurors aforesaid upon their Oath aforesaid do say that the said last-

mentioned Margaret Burns by the means and in the Manner last aforesaid feloniously wilfully and of her Malice aforethought did Poison Kill and Murder herself against the Peace of our said Lord the King his Crown and Dignity And the Jurors aforesaid upon their Oath aforesaid do further present that the said Charles Angus before the said last-mentioned felony was committed in manner and form aforesaid to wit on the twenty-second day of March in the year aforesaid with force and arms at Liverpool aforesaid in the County aforesaid did feloniously wilfully and of his Malice aforethought incite move procure aid and abet the said last-mentioned Margaret Burns in her Life time to do and commit the said last-mentioned felony and Murder in manner and form last aforesaid against the Peace of our said Lord the King his Crown and Dignity.

The Indictment was opened by MR. CLARKE.

MR. SERJEANT COCKELL,

May it please your Lordship—

Gentlemen of the Jury,

I AM also of Counsel in this prosecution against the Prisoner, Charles Angus, now at the Bar, and the crime imputed to him is that of wilful murder, effected by means the most detestable; in the prosecution of the horrid, diabolical purpose, which has been stated in the Indictment. Gentlemen, perhaps the statement that I have to lay before you, without previous caution, might excite in your minds considerable indignation against the Prisoner at the Bar; but it is your duty on this solemn occasion, to repress every feeling, and every sentiment of this sort, for the nature of the present inquiry, demands your most dispassionate, candid, and most grave consideration. And, Gentlemen, if you have heard any thing of this transaction out of Court, I hope you will dismiss every thing of the kind from your minds. It would be injustice to the Prisoner not to do it. He stands now upon his trial before you, and the issue of his fate, must, and ought to depend upon the evidence, and the evidence only, that shall be adduced at this Bar to-day. Gentlemen, considering the nature of the crime, it will quite impossible for me to bring before you any witness to speak positively to the fact of the Prisoner's having administered poison to the deceased.—The case must be made out against him by a train of circumstances; by his own conduct previous to the commission of the deed; by his conduct at the time when the deed was committed, or rather

when it was supposed to be committed, and like wise by his conduct after the fact.

Gentlemen, though the evidence will be circumstantial, it will be, I think, so strong, and so forcible against him, that there will be very little doubt in your minds, or in the minds of any other persons, that the Prisoner is Guilty. Circumstantial evidence, Gentlemen, where it is combined and connected together by a variety of circumstances, all tending to one point, and proved by different witnesses, perfectly unconnected with each other, is more convincing, and more satisfactory than, perhaps, proofs founded on the oath of one or two witnesses of the fact. These circumstances, so dependent on each other, and so connected, can scarcely be fabricated.—A witness may speak falsely, but circumstances which don't depend upon the knowledge of this or that particular witness;—which being detailed by different witnesses, without any previous concert—this sort of proof can scarcely be either invented, or in any degree brought before you with unfairness.

Gentlemen, having premised thus much, I will state to you the particular circumstances that belong to this case. Mr. Angus, I believe, was a native of Scotland, but he has resided at Liverpool for a considerable time past. He was formerly, I believe, in some situation or other in the shop of a Chemist or Druggist, at Liverpool. Perhaps that may not turn out an immaterial circumstance. Perhaps it was in that situation he learned too much of the use, or rather the abuse of medicine; and you will find, most undoubtedly, that Mr. Angus had practised, not indeed as a regular Physician or Surgeon, but that he has occasionally administered medicine in his own family,

and particularly to his children. Gentlemen, this subject, for whose death you are now making Inquisition, was a Miss Burns. She was the half-sister of the wife of Mr. Angus, who is deceased some years ago; Miss Burns, being at that time part of her family, and Mr. Angus having three Infant Children, consented to live with him as Governess and House-keeper, and you will find that till a few days before her death she was in a state of perfect health. This happened, as you have heard by the Indictment, on the 25th March, and previous to the 23d she was in perfect health. But I must now state to you that previous to that time, it was suspected by those who knew this unfortunate woman, Miss Burns, that she was with-child, and it was observed by several, that her shape grew larger, and, in short, no doubt remained in the minds of those who knew her, that she was in an advanced state of pregnancy. On the 23d of March, Miss Burns got up at an earlier hour than usual, and some remark was made on that subject.—You will find at that period she was extremely unwell, you will find her going about and supporting herself by means of the chairs in the room. She went up for a few hours, and then came down again, and still supporting herself as before, whilst she walked about the room; a very common circumstance with women who are approaching to delivery. She then complained of being excessively ill, that she had violent pains, and extreme thirst, and was so unwell that she could not walk or sit up. She went upon a Sofa in the breakfast room, and there I believe she lay the whole of that day—all the time complaining of suffering extreme pain and thirst, and vomiting in a violent degree—and frequently calling for

liquids. She took in a great quantity, gruel, small beer, and articles of that sort. In this miserable condition, the poor sufferer lay, the whole of that day. At the approach of night, two female servants who composed the household establishment of Mr. Angus, came into the room, and desired they might sit up with this unfortunate Lady. —What, Gentlemen, do you imagine was the conduct of the prisoner?—He declined accepting their offers, saying he would sit up with her himself, and he did so.—He continued, as far as any knowledge can be had upon the subject, the whole night with this unfortunate woman, in the situation I have described her; for in the morning it was found that he had not been in bed. The servants having come down, they found Miss Burns pretty much in the same state she had been in on the preceding day, and she continued in the same state of suffering and vomiting until the evening. The servants again offered their assistance, and told Mr. Angus they would sit up with Miss Burns.——No!—He had sat up the whole of the former night, and had been with her all the former night and greater part of that day, I believe, having only gone out at intervals, and for a very short time, he, and she also, declined the assistance or attendance of the servants, and he sat up with her the whole of the second night. That, you see, Gentlemen, would be upon the 24th of March.—She continued in the same situation as I have already described to you, all that night, except that the servants remarked when they came into the room, she appeared somewhat better, that is easier. What happened, Gentlemen, in that dreadful interval, can only be thoroughly known to God and the conscience of the prisoner himself: but I

think you will have no doubt whatever that in that last interval, I mean between the servants' going to bed upon the night of the 24th, and the morning of the 25th, I think you will have no doubt whatever, that, in that interval, this unfortunate woman had borne a child! How she had borne it will be a question for your consideration, but the first question will be, whether this unfortunate woman was poisoned or not. That she was poisoned, I shall establish beyond all doubt and question, as far as human judgment can go: as far as any thing that depends upon opinion and judgment can go, I shall establish the fact of this woman's having been poisoned.—The next inquiry will be, whether the Prisoner, or not, was the person that administered it, and will depend upon the circumstances of the case, when collected together.—I have described, Gentlemen, the state Miss Burns was in, when the servants went to bed, upon the night of the 24th, so dreadfully afflicted, that she could not move from the place she was resting in, vomiting continually, calling out she was excessively ill, in great pain, and in great misery—the Prisoner, during that night, with her, and he alone. In the morning it was found that the attire of the unfortunate person had been changed.—Part of her apparel had been removed, and where that was carried, God only knows, unless it is known to the prisoner; but it had disappeared, and has not been found.—She, Gentlemen, had then upon her person, which she had not before, a ———, an article applied after delivery, to compress the body. She could not have put that about her own person, and who could have done it but the Prisoner, remains for him to explain.—Another article of her apparel was altered, for what purpose we may ea-

sily conclude—no doubt, in order to prevent those appearances, that must present themselves after recent delivery.

Gentlemen, I have spoke thus far, as to the transactions of that day.—Upon the 25th, in the morning, she said she was somewhat better. Now I can account for that myself, but you will have it much better from the learned gentlemen that will be called to give their judgment before you. But all of us know this, that, after inflammation has ceased, and mortification takes place, all pain is gone—There will be a morbid sickness, and great illness, but after the mortification has taken place, the party suffers little from pain, till death.—Gentlemen, one of the servants came into the room, and Miss Burns said she wished to have something to drink, but that she would wish to have some Madeira.—This was the younger servant, I believe, and she was sent to a distant part of the town, in order to procure some Madeira.—Probably this might be about the hour of nine, on Friday morning.—The servant went, and was absent about an hour.—On her return, she went straight into the room where she had left Miss Burns and the prisoner; when, to her great surprise, she did not see Miss Burns lying on the Sofa, but she saw her in a corner of the room, with her face lying to the wainscot, in a posture she will describe to you, and dead. Where was the Prisoner at the Bar? He was in his arm chair, covered with something or other he had found in the room, and affected to be—affected to be—in a state of stupified sleep; for though he was called to repeatedly, yet he did not awake till the parties had shaken him violently—it was not until then, that he manifested any signs of his being awake.—He was then told of

what had happened—It does not appear he expressed any great surprise on the occasion, but the body, with the aid of one of the servants, was laid on the sofa. His sister was sent for, and soon after the body was stripped, and then carried into a room. —Now, Gentlemen, under these circumstances, what was the duty of the Prisoner? Ought he not to have sent for the Coroner, had he been an innocent man, informing him such an accident had happened, and calling for an inquiry? No, Gentlemen, for reasons best known to himself, he had no such intention. How comes it, that when this poor woman was suffering from the 23d, on all the 24th, and down to the 25th, how happened it he did not call in medical aid? How will the prisoner account for that? It will be in evidence to you, I believe, that he did say—affect to say "wont you have assistance?" No, Mr. Angus, she replied,—"nothing can do *me* any good—you know, Mr. Angus, nothing can do me any good."

So much for the transactions of these three miserable days. In what manner the Prisoner will account for his conduct, I don't know.—I think it will be a very difficult task for him to convince you, that he had any other purpose in his mind, than to cause an abortion of the child, of which this young woman was pregnant. And, Gentlemen, if he had administered poison with a view to cause abortion, and without intending to kill the woman, still, death having been the consequence, it is in the eye of the law, murder, as much as if his intention had been directly to murder: therefore, there will be no question, with regard to the law, upon the subject. Gentlemen, I have now stated the transactions of these three days; we must now look to other circumstances respecting this matter.—All

Saturday passed—no Coroner sent for—the house kept closed—nothing said about the death of Miss Burns—but, by some means or other, on Sunday it reached thé Coroner's ear, and Mr. Angus was then informed that certain medical Gentlemen would visit his house, for there was suspicion of foul play. Mr. Angus could not avert the inquiry; he then affected to be extremely glad. Gentlemen, —affected to be extremely glad that the Coroner might come, and I suppose he hoped to elude all inquiry.—I have already stated to you, Gentlemen, that he professed to understand chemistry—the composition and decomposition of medicine, and he boasted of his skill.—It was, I believe, on the foundation of that skill in medicine and poisons, that he thought no discovery would take place. Gentlemen, it is stated, that this person died of poison, and that this poison was a solution of Mercury Sublimate, one of the roughest and most subtile poisons known in the Materia Medica. A most able man, on a former occasion, described it thus; says he—" It is the roughest, the most severe preparation of Mercury that we know —and, taken in substances in the smallest quantity, even to the value of two or three grains, it will certainly kill by its action on the stomach."—and then he adds that, " a small solution of it dissolved in spirit, will kill also—that its color is quite transparent,"—that " a solution of it may be made of any strength, so that a few drops of it shall kill, and that it will be quite transparent."

Now, Gentlemen, I fear you will infer when you hear the evidence, that the Prisoner was acquainted with the nature of the solution of Mercury Sublimate, and that he administered it because there would be no remains found on the stomach. It

would corrode the stomach and destroy it, but in the language of medical men, the presence of the poison would not be found. If it had been arsenic perhaps there would have been some remains traced, but mercury sublimate in solution being transparent may be administered in so small a quantity, and yet effectually to destroy life, that it is impossible to trace it in the stomach, and though the presence of this poison was not found in the stomach of the deceased, yet the stomach was destroyed, and those that made the examination will tell you, that in their judgment (and their judgement is great) she was poisoned. In order to account for the absence of the poison in the stomach, experiments have since been made on animals, with the solution of corrosive mercury sublimate, and in all these, though there has been the most minute inspection of the stomach of those animals to which poison had been given, it never could be traced. That, I think, Gentlemen, will remove all doubt that her death was occasioned by the administration of the solution of corrosive mercury sublimate, and the circumstance of the poison that occasioned death not having been found on the stomach, though every means were taken for that purpose, will avail very little for the Prisoner.

And, now Gentlemen, I shall proceed to state what happened on the Sunday.—The Coroner had expressed his suspicions, and gentlemen were sent for who will describe to you the state of the body. I will not myself go through it. It is a horrid tale and quite sufficient to hear it once, and you will hear it best and most satisfactorily from those Gentlemen who made the inspection. I will only repeat again that they are perfectly satisfied that the deceased died by poison, and I now

come to another part of the case which it will be incumbent on the Prisoner to give an answer to. It was found upon inspection that a child had been very recently born; that from the womb a child had been excluded or extracted, very, very recently indeed, of which there can be no doubt, for they will all tell you that upon opening the Uterus the remains of the Placenta were observed, and from the size and appearance of it, they will tell you, that in their judgement and opinion, that child must have been nearly at maturity: now what became of that child it will be for the prisoner to say.—That she bore a child, and that between the night of the 24th, and the morning of the 25th, there can be no doubt about. He alone was sitting up with her, and must therefore have known it. How then has he disposed of the child? What became ot it? If he cannot acconnt for that child, can any man doubt all the rest? He has so managed things, that the child was never found.—Though every possible search was made to discover this new born infant, or rather the infant that had been by some means or other extracted from the womb; it has not been, it cannot be, found. Now the Prisoner must be the only person that knew of the birth of that child, and it will be incumbent on him this day to account for it, and to state where it is, why it was conveyed away, and under what circumstances it was extracted from the womb of its mother. It will be incumbent on him to account for his indelicate, his extraordinary, his unparalleled conduct in declining the offices of the maid servants for two nights together, in sitting up with her himself alone two nights together, and being found in his arm chair pretending to be asleep and covered over with something, and the party found in another corner of the room and in the situation that will be described to you.

It will be incumbent on him to account for all these circumstances. But it will be asked, perhaps, what could be his motive for this extraordinary conduct towards the deceased? Sometimes it is difficult to assign motives for the conduct of bad men, but I am afraid that to destroy her will too plainly appear to have been his intention.

I shall be enabled to shew you that after the death of his wife, Mr. Angus has been seen taking great familiarities with Miss Burns. I don't mean to say that I shall be enabled to prove upon it the actual fact of a criminal intercourse, but I can give you evidence of his conduct towards her that will lead to that supposition and conclusion. I will shew you that he has been seen embracing her in his own house; I shall prove to you that Miss Burns has been absent from her own bed, (for she lay in one bed, I think with two of the children, a third lay in the cradle) and I shall in one instance be enabled to shew you that Miss Burns had not been in her own bed during one whole night. I shall shew you, Gentlemen, that she suffered very unbecoming liberties to be taken with her, and has been seen to come out of his bedchamber in the morning, and has breakfasted with him there. In short, I believe, no human being, no man can doubt, that she was pregnant and brought forth a child—and I think the evidence will be quite sufficient to shew that the Prisoner was the father of it. I have now stated the transactions that took place on these three days. I will now, out of the order of time, but in order to make this matter, I think, more clear, state to you somewhat of Mr. Angus's conduct, antecedent to this period.

About three weeks before this unfortunate mat-

ter happened, Mr. Angus went to the shop of a Chemist, in Liverpool, and there asked for the essential Oil of Savin. You will hear from the learned Doctors, and medical men who will be called before you, that it is well known this Oil of Savin is unworthily and most wickedly used in order to occasion abortion. It is a propellent and known by bad men to have sometimes the effect of occasioning abortion. I have no doubt the Prisoner thought he could effect his purpose, by administering Oil of Savin, and which I suppose he thought the safest medicine she could take.—Gentlemen, I will prove to you, that the very bottle in which this Oil of Savin had been put, and carried away by the Prisoner was found in his closet—the Oil of Savin gone—and some penny royal water put into the bottle. What use he had made of that Oil of Savin, I take it for granted he will shew you to-day—and that he will explain to you what his purpose was. I infer from this, Gentlemen, that he contemplated the abortion of this unhappy sufferer, and that he thought the means resorted to would be sufficient.—Not proving effectual, however, he had recourse to other means. And here, Gentlemen, I shall prove to you a fact of the most extraordinary nature indeed, —a very short time before this unfortunate event took place, the Prisoner at the Bar, went to a Cutler, in Liverpool, particularly conversant in the instruments of Surgeons, and he desired he would sharpen, or point a particular instrument.—This, Gentlemen, is an instrument that is sometimes used, but not generally known. It is sometimes used when delivery becomes almost impossible—and the mother cannot be saved. Sometimes used, I believe, for the purpose of accelerating

delivery, by, perhaps, wounding the child. I shall prove to you, that the Prisoner, when at the house of a Gentleman whose name does not immediately occur, who was shewing some drawings to a Gentleman of the name of Trail, a Physician, (they were, I believe, mostly naked figures) and one in particular, which represented a woman pregnant—the Prisoner himself said—" Oh," says he, " I am acquainted with an instrument, that, if you touch this particular part, will produce such an effect," —he himself—and I shall prove to you, Gentlemen, that he has mentioned that to others.—But to resume what I was stating to you regarding his application to the Cutler—When the Cutler said —" Good God, what is this thing for—I don't know the use of it,"—says he, " oh it is only to bore the ears of my children, or my daughters." Gentlemen, you will see what sort of instrument it is for boring the ears—but in truth this was only to disguise his intention. *The ears of his children have never been bored at all*—no, not to this day. Now what use he had for this instrument, he will assign here to-day, if he can; but he stated, that he did know the use of the instrument and that by applying it in a particular manner it would occasion abortion—Perhaps, he applied it unsuccessfully; but I offer it in evidence to shew you, that he was contemplating abortion and that he knew, or thought he knew the means by which it may be accomplished—and that he had the means in his power I will prove by this cutler—now if he had it not for this wicked purpose he will state to you what his object was. But he has gone much farther, for he has even boasted of his skill in obtaining abortions; and I will prove to you that not long before the death of this unfortunate woman, in a conversation he

had with a witness of the name of Moore, respecting a young lady who had had the misfortune to become pregnant, and had gone to the Isle of Man, says this wicked, profligate man (for this will be proved upon him, and therefore I cannot abstain from using the expression, though I am really sorry to do it) says he to Mr. Moore—why says he—" if they will let me kiss her, after I have gratified, I can with great safety and great security deliver her of her burthen!" This I will prove, by a witness that heard, and was shocked to death at the expression—Near to the period when this unhappy business was completed, I shall prove, that he has held other conversations on the same subject, and that he said, referring to the case of another lady, in a similar predicament, says he—" They say she is with-child—if she likes that sort of entertainment, there is an easy method of doing it, abortion may be occasioned with great safety."—The person was quite shocked—Good God, says he, I should esteem that murder—Oh no, replied the Prisoner if the child has not life, it is no harm! That I shall prove to you. Why then, Gentlemen, let us see what his conduct was on the Sunday—I will call a reverend Gentleman to you, who had known Mr. Angus, and who having heard of the report in circulation respecting Miss Burns's death, and finding that it was extremely unfavourable, was desirous of informing him, and of putting him upon doing that, which was necessary to the vindication of his character.—He did not see him when he first called but left word that he was then going to church (it being before the morning service) and that he should call again on his return—He accordingly did so, and finding Mr. Angus at home, he made him acquainted with the report, and strongly urged,

that he would vindicate himself.—Now, Gentlemen, attend to this—Mr. Vause had told him, what was said about Miss Burns having been pregnant, and that it was supposed she had had a child.—The Prisoner, at this time, affected to be entirely ignorant that Miss Burns was pregnant, and could not possibly believe that she had borne any child. —Yes, Gentlemen, he denied it positively, though other persons saw it—though neither the neighbours nor any other persons doubted of the matter, from her appearance, yet Mr. Angus, living in the house with her, chose to say to his friend Mr. Vause, that he had not the least suspicion of her being pregnant.—Well, Gentlemen, Mr. Vause saw him again on Tuesday, and whether he had forgot what he said on the Sunday or not, I don't know—but then his tone and tale was altered—he then told Mr. Vause, to his infinite surprise that his Brother-in-law, some time before, had told him Miss Burns was pregnant, and with child, and that the prisoner, himself, had named the thing to Miss Burns, who said—" No, —she was not with child, and that the suspicion only arose from the mode in which she had dressed herself."—-Now, Gentlemen, what a contradiction is here? On the Sunday, solemnly declaring he had not the smallest suspicion of her being with child—on the Tuesday, saying, he had had the information from his brother-in-law, and had himself communicated it to the woman.—-Gentlemen, before I notice other contradictions, I will proceed to state what further passed.—Says this Gentleman —Mr. Angus, when was it this unhappy business took place—when was it that Miss Burns died? Why, says he, she died on the Saturday. No, says Mr. Vause, it was not on the Saturday—she died on the Friday—" Oh," says he, " it was on

the Saturday." Now, was it possible he could have forgot the day? What he meant by it, I don't know, except it was to account for his not calling on the Coroner—that, I think, must have been his object.—But, said Mr. Vause, it was certainly on the Friday that she died? "No," says he, "she died on the Saturday."—"Why, surely—" on which he rung the bell, called the maid-servant, and said, "pray did not Miss Burns die on the *Saturday* morning?" "Oh no, Sir, says she, she died on the Friday."—"Why," says he "that is extraordinary,"—and used an expression, which, in stating, I don't wish to be understood as drawing any inference from it unfavorable to the prisoner—but he said, "I am so bedevil'd that I don't know what I am about."—He then affected to be extremely confused—But the use I make of this extraordinary remark, that he did not know when she died, is only to shew, that the prisoner must have had some purpose in view, which made it necessary to prevent Mr. Vause knowing the exact period and day on which she died.—What that purpose was, may, perhaps, be better imagined than stated. —Why then, Gentlemen, Mr. Vause proceeded to ask him, "Why did you not call in assistance?" "I did not think," said he, "she was so ill." How she could be worse, Gentlemen, I cannot conceive; her sufferings being such as I have related. —Why, says he, (Mr. Vause) and this is material —"Don't you think that Miss Burns, knowing her own situation, may, perhaps, have taken something poisonous?" "No," says the prisoner, "that is quite impossible; she had not the means of doing it herself." "Why," says he, "did you give her any thing?" Says he, "I gave her a black puke." From his own lips you have it, "I gave

her a black puke, and it occasioned her to vomit, and what she first vomited was black, what she vomited afterwards was all bile"—so that you have it out of his own mouth, that during her indisposition, he had administered something to her, which he terms a black puke.—Then he went on with a story you will have from Mr. Vause, and which I won't now repeat.—Mr. Vause then said to him, "you were out with me on Friday morning, you know?" "No," says he, "I was not."—"You are certainly wrong," said Mr. Vause, "you were with me at the Athenæum early in the morning of Friday?" "I never was," replied the Prisoner.—"Oh," says Mr. Vause, "I recollect the circumstance perfectly," and it will be be proved to you, Gentlemen, that he was out of his house on the Friday morning, on which the unfortunate woman expired, for what purpose, can only be known to God, and his own conscience—whether it was to dispose of the child, and the other articles that were missing; be that as it may, he thought it necessary to conceal the fact—to deny that—and not to let it be known to the world, that he had been out of his house that morning. Why he should be so extremely anxious to conceal and to deny that circumstance, and to persuade Mr. Vause that he was mistaken, I cannot tell—but that he had some motive—some sinister motive, I think is evident, otherwise he would not have shewn so much anxiety to conceal the fact.——Gentlemen, before the body was opened, and whilst lying in the room—it was observed to be remarkable swelled—now this is an extraordinary thing.—One of the women noticed it, and she said, if they applied salt, it would probably reduce the

swelling—and Mr. Angus answered—"Oh, says he, by all means—do her all the good you can."—Why, Gentlemen, what good could be done for the poor dead corpse? What he meant, I don't know, but persons in his situation, do say extraordinary things, and it generally happens, from the inconsistency of their conduct, that the truth comes out.—After the coroner had sat on the body, he was carried to jail, and here a remarkable circumstance will be stated to you.—A Physician in Liverpool had gone out to visit the wife of the Jailor, and he saw there the Prisoner at the Bar.—The Prisoner, Gentlemen, even then, thought fit to deny his knowledge of Miss Burns being with child, (after the conversation I have stated to you, which he had with Mr. Vause, upon the subject) and said, she was not with child, and he certainly should have known it if she had been, for she was the object of his most tender solicitude; he had watched her almost with the eye of a parent, and he should certainly have known it, and added some other things that will be heard.—Gentlemen, I have told you the bottle was found, that contained the essence of the oil of Savin—Aye, and poisons of other descriptions were found in this man's closet.—How he applied them—for what purpose, God only knows.

Gentlemen, without detailing the evidence more at large, I will proceed to call the witnesses, and will only in general state this—It is a case of circumstantial evidence; but which, in the eye of the law, will, in my opinion, establish a case most clear and most strong—it will certainly, I conceive, force a conclusion that is irresistible. It is what the law calls a violent presumption of guilt—it is the result of circumstances otherwise inex-

plicable—his conduct is unaccountable unless he can explain it—how he will explain the various contradictions that were shewn in this case—how he will explain his conduct on these three days—how he will explain the oil of Savin—and the purpose for which he had it in his possession—his having other poisons in his possession, and his knowledge of abortion; aye, and more than this, for I will prove that he said he taught one person the mode of causing it: How he will explain all these things we have yet to learn. Now, Gentlemen, taking every thing into account, you will have to enquire—was this person poisoned?—If so, who was the person that administered it?—If you find it could be no other than the prisoner, whether he did it for the sake of abortion merely, without intending to injure the woman; or whether he did it to kill the woman, is perfectly immaterial:—it is murder, in the eye of the law, in the one case as well as in the other. Gentlemen, without making any further observations upon this very disagreeable subject, I will proceed to call the witnesses.

EVIDENCE FOR THE CROWN.

ELIZABETH NIXON *sworn.*

Examined by MR. HOLROYDE.

Q. Did you live servant with the Prisoner, Mr. Angus?——A. I did.

Q. How long had you lived with him before the death of Miss Burns?——A. Four weeks.

Q. In what situation was she in the family?

A. Housekeeper and Governess to the children.

Q. Do you know what her Christian name was?

A. Margaret.

Q. I believe the Cook came to live with them at the same time?——A. Yes.

Q. What was her name?——A. Ann Hopkins.

Q. Had you any knowledge of Miss Burns before you came to live there?——A. No, Sir.

Q. I believe your business was to make the beds and clean the rooms, was it not?

A. Yes, Sir, it was.

Q. Now, in what state of health was Miss Burns when you came to live there?

A. She never appeared any otherwise than in health while I was there.

Q. When was the first time that you observed her to be out of health?

A. On Wednesday morning.

Q. On what day of the month?

A. The twenty-third of March.

Q. Do you know whether she had taken any thing the day before?——A. No, Sir.

Q. What time was it that you first saw her on Wednesday the twenty-third of March?

A. A little before six in the morning.

Q. Where was it you saw her then?

A. She passed me in the lobby.

Q. Where did she go?——A. Up stairs.

Q. What part of the house was she coming from then?—A. Out of the parlour.

Q. And going up stairs?—A. Yes.

Q. Was any thing said to her?

A. Not in my presence.

Q. How did she appear then?

A. I did not see her face—I saw her just pass me.

Q. Then you did not observe any thing particular about her at that time?

A. No, Sir, I did not.

Q, Now, when did you see her again that morning?—A. About a quarter before nine.

Q. Where was she then?

A. She was sitting in the Breakfast parlour.

Q. In what condition did she appear to be at that time?—A. Very ill indeed.

Q. In what way did she appear to be?

A. She appeared to be very ill—I can't say in what way—she did not complain to me.

Q. What did she do? describe her manner.

A. She did nothing but sit on the chair and take her breakfast.

Q. But appeared to you to be very ill?

A. Yes.

Q. What time might breakfast be over in the morning?—A. Betwixt nine and ten.

Q. And after breakfast how was she?

A. She was very bad as she was before.

Q, Did she lie down any where?

A. When I came to fetch out the breakfast tray, she was lying upon the Sofa.

Q. Did she walk about the room before the breakfast things were taken away, or after?

A. I saw her move about after.

Q. In what way did she do?

A. She walked by the chair.

Q. Leaning upon it?—A. Yes.

Q. For what purpose did she appear to lean upon the chair?

A. I suppose from the pain she was in.

Q. Who was there at the Breakfast?

A. The Master.

Q. The master—that is Mr. Angus?

A. Yes, Mr. Angus and herself, and the three children.

Q. Now, after breakfast, did Miss Burns ask you for any thing?

A. Yes, about an hour and a half after breakfast.

Q. What did she order?

A. A little water gruel?

Q. Was it made for her?—A. Yes, it was.

Court. Did she drink it?

A. Yes.

Q. How much might she drink that morning?

A. In the course of the day, I dare say she drank nigh three quarts.

Q. Was she sick at all?—A. Yes, all the day.

Q. Did she continue in pain the whole day?

A. Yes, Sir, she did.

Q. Was she so sick as to bring up any thing?

A. Yes, every time she vomited.

Q. Did she vomit frequently?—A. Yes, she did.

Court. Did the gruel which she took remain on her stomach?

A. No, Sir, it came up with the rest, after she drank it.

Court. Almost immediately?

A. Almost immediately.

Q. What colour was it she brought up at the first?—A. It appeared very black.

Q. How did it appear after?

A. Rather of a greenish colour towards the last.

Q. Did she remain in that parlour the whole of the day?—A. Yes, she did.

Q. Where was the Prisoner, Mr. Angus, that day?—A. Sometimes in one part of the house, and sometimes in another.

Q. But was he out of the house at all that day, on the Wednesday?—A. No, he was not.

Q. You say he was sometimes in one part of the house and sometimes in another; was he frequently in the parlour that day?

A. He was much in the parlour.

Q. Now what became of Miss Burns at night—did she remain in the parlour?—A. Yes sir.

Q. Did she remain there all night as far as you know?———A. Yes, as far as I know.

Q. Did you bring any thing down stairs for your master at night—any bedding?

A. Yes, a Counterpain.

Court. By whose directions did you do that?

A. By Miss Burns's.

Q. You brought down a Counterpain you say, did you bring down any thing else?

A. I brought down two Pillows.

Q. Any thing else?—A. Not that night.

Q. Did you bring down any chair?

A. I brought down an easy chair.

Court. Who directed you to bring the pillows?

A. Miss Burns, Sir.

Court. And the easy chair too?

A. Yes, sir.

Q. Now at the time Miss Burns desired you to do that, where was your Master?

A. In the parlour.

Q. What time was it that you went to bed?

A. Ten o'Clock.

Q. Was your Master in the parlour then with Miss Burns, when you went to bed?

A. Yes, Sir, he was.

Q. Now, what time did you get up in the morning?——A. Six o'Clock.

Q, On the night before had you offered to sit up with her?———A. Yes.

Court. On the Wednesday night?

A. Yes, Sir.

Q. Who did you make that offer to?

A. To my Master.

Q. Was Miss Burns present then?——A. Yes.

Q, What answer did you receive?

A. No, no, Betty go to bed, you have work to do the following day, and I can sit up with her.

Court. Who said that?———A. My Master.

Q. Now when you came down in the morning did you go into the Parlour?———A. Yes.

Q. Immediately, or how long after?

A. The Cook went in first, and I followed directly.

Q. But how long was it after you came down stairs that you went in?——A. Directly.

Q. Who did you find there?

A. My Master and Miss Burns.

Court. And the Cook was with you?

A. Yes.

Q. In what condition did you find Miss Burns then?

A. In the same as I left her at night, lying on the sofa with pillows under her head.

Q. Now, how did she continue that day?

A. Vomiting till towards evening.

Q. Did she take any thing that you know of that morning?

A. Nothing but a little gruel, as usual.

Q. Where was Mr. Angus that day, on the Thursday; do you know whether he went out or not?

A. Yes he went out before dinner, I recollect letting him in a little before three, on Thursday.

Q. You say she continued sick all the day till towards evening, did the sickness then go off?

A. Yes.

Q. In what condition did she appear then?

A. She appeared a little better, and could stir more about.

Q. Did she leave the parlour any part of that day till then?

A. Not to my knowledge.

Q. Did she continue there till you went to bed that night?———A. Yes she did.

Q. Was any offer made to sit up with her that night?———A. Yes.

Q. By whom, and to whom?

A. We both made an offer that night.

Q. Whom did you make the offer to?

A. To Miss Burns, and my Master likewise.

Q. What was the answer that was made either by your Master or Miss Burns?

A. The same as the night before.

Court. Which of them answered?

A. They both answered.

Q. Was any reason given by either Miss Burns or your Master for nobody sitting up with her but hinself?

A. Master said he could not sleep for the agitation of his mind concerning his brother, and we might go to bed, as he had been accustomed to sit up with his wife for six months together.

Q. Now had he ever sat up before the Wednes-

day night during the time you were in his service?

A. To very late hours.

Q. You can tell, as you made the beds, whether he had ever sat up a whole night before the Wednesday?———A. No, he had not.

Q. Now what time did you and the cook go to bed that night?———A. It was a little after ten.

Q. And where did you leave your master and Miss Burns, when you and the cook went to bed?

A. Both of them in the parlour, my master was reading.

Q. Did you observe Miss Burns's dress that night; the Thursday night?

A. Yes, her dress was as it was before.

Q. Was it the same, or was it changed in any respect, or was it the same as it was on the Wednesday morning when she was taken ill?

A. Yes, the same dress, only she had a clean bed gown on, that is the only thing that I know of.

Q. Do you know whether she had her stays on then, or not?———A. No, I cannot rightly say.

Q. At what time did you get up in the morning?

A. At four o'clock, my master rung me up to attend the children.

Q. They were crying, I believe, were they not?

A. Yes.

Q. When your Master rung you up at four in the morning, did you go into the parlour?

A. Yes, at first.

Q. In what condition did you find Miss Burns, then?——A. On the sofa, as usual.

Q. In what condition did she appear to be?

A. She appeared to be much worse in my opinion.

Q. Did your Master ask you for any thing?

A. A little cold water.

Q. Did you bring him any?

A. Yes, I brought him some in a pint jug.

Q. Did you go to bed again?

A. Yes, Sir, I did.

Q. Now how was the appearance of her countenance at that time? Had there been any change?

A. I did not see any thing much different, except that I thought she was worse myself.

Q. What time then did you get up again?

A. At six o'clock.

Court. You first said she appeared to be much worse, and then you afterwards said, you did not see much difference in her countenance; what were the circumstances, then, that made you think her worse?

A. She breathed more quick than before.

Q. It was about six I think you say when you got up again?———A. Yes.

Q. Now before the illness of Miss Burns, had you observed any thing about her person—about her size?

A. I thought she appeared large, but I did not know what might be the cause of it, being a stranger to the family.

Q. Was a bell rung before you went down on the Friday morning?

A. I don't recollect indeed.

Q. Or before you got up?

A. I cannot recollect; it might, but I did not hear it.

Q. Did you both get up at the same time—you and the cook?———A. Always.

Q. And went down together?

A. Yes, both together.

Q. Did you go immediately into the parlour when you got up?———A. Yes.

Q. Who did you find there?

A. Master and Miss Burns; Master was fast asleep.

Q. Did any body go into the parlour with you?

A. We both went together.

Q. Oh, the cook and you?———A. Yes.

Q. In what condition did you find Miss Burns, then, how did she appear to you?

Witness. On the Friday morning, Sir?

Mr. Holroyd. Yes.

Court. That is, after the second getting up?

Mr. Holroyd. Yes, my Lord.

Witness. She appeared to me much the same, she lay in the same posture.

Q. How long might you stay in the room then?

A. About ten minutes.

Q. Did Miss Burns continue lying on the sofa at that time, or did she keep moving about.

A. She continued lying.

Q. Did she take any thing during that time?

A. She took a little warm beer.

Q. How came she to have some warm beer?

A. She desired to have some; and the cook went and got it, and when I was going out she was drinking.

(Mr. Holroyd being called out of Court Mr. Raine proceeded with the examination of the witness.)

Q. Do you recollect, Elizabeth, receiving any directions about a flannel dress?———A. Yes.

Q. Tell us when that was, when you received those directions?———A. On Thursday night.

Q. About what time?—A. A little before ten.

Q. What were the directions and by whom given?

A. Miss Burns said, Betty go and fetch me a flannel dress down.

Q. Did you do so?———A. Yes.

Q. That was Thursday night you say?

A. Yes.

Q. Now, in the course of the next morning did you discover where the stays were?

A. Yes: they were in the nursery room, on the floor.

Q. I mean Miss Burns's stays?—A. Yes.

Court. On Friday morning?

A. Yes, after she was laid out.

Q. Laid out on the sofa, you said, did you not?

A. Yes.

Q. You saw them up stairs, on the nursery floor?—A. Yes.

Q. Did you observe, as Miss Burns was laid out on the sofa, whether she had any stays on?

A. No, she had not.

Q. On this morning—on the Friday, when Miss Burns died, did you observe your master's dress?

A. Yes.

Q. How was that?

A. He had his morning dress on.

Q. What do you mean by his morning dress?

A. A Flannel dress which he used to wear.

Q. Now, were you sent out that morning by your master?—A. Yes.

Q. At what hour?—A. A little before ten.

Q. Where?

A. To Mr. Winstanley's, a wine-merchant, in Henry street.

Q. For what?

A. For two bottles of white wine.

Q. How far is that from your master's?

A. Nearly half a mile.

Q. About how long were you absent in going for these two bottles of white wine, and returning?

A. About an honr and ten minutes;—I could not go quick—my foot was bad.

Q. You had sprained your foot, I believe?

A. Yes, I had.

Q. Upon your return, did you go into the parlour?—A. Yes, I did: straight forwards.

Q. What did you see on gong into the parlour?

A. Miss Burns lay dead in a corner of the room, by the floor.

Q. Describe, as particularly as you can, the posture in which she was when you first saw her in the corner?

A. She was cowered of a lump, with her elbows upon her knees, and her face against the wall?

Q. Did you observe your master when you went in?

A. Not at first, Sir.—I did not go in, but saw her just at the door, and ran back into the kitchen.

Q. You ran into the kitchen?—A. Yes.

Q. And what did you do after that—did you return after that into the parlour?

A. I went to the Cook in the kitchen.

Q. What did you and the Cook do then?

A. I asked her where mistress was, for I could not believe it was her at the first.

Q. What did you and the Cook do after that?

A. We both went up into the parlour.

Q. Did you then discover who this person was that was cowered down as you describe?

A. Yes.

Q. You discovered it to be whom?

A. Miss Burns.

Q. I don't ask you now what you said, but did you cry out at all?—A. Yes, I did.

Q. Did you cry loud?—A. Yes.

Q. Upon your return you say you discovered who the person was that was cowered down in the corner?—A. Yes.

Q. Did you then observe your master?—A. Yes.

Q. Where was he?

A. On the opposite side of the room.

Q. Describe how he was?

A. He was covered up with a counterpane all over, his head and all, fast asleep.

Q. Was he on the sofa, or where?

A. In the big chair.

Q. Did you and the cook speak to him, or either of you?——A. We both spoke.

Q. Did you both first speak to him, did you call out to him?

A. Not till the cook awoke him.

Q. How did she do that?—A. She shook him.

Q. What, by the shoulders?

A. Yes, we could not find him at first.

Q. Upon that, did he awake, or how?

A. No, he did not.

Q. Then if I understand you right she shook him some time before she awoke him?

A. Yes.

Q. What did he say?

A. He threw off the counterpane and jumped into the middle of the room and said Good God what's this!

Q. Did he say any thing else?

A. I said she's dead, she's dead; and he said Good God! and cried, and said poor Margaret.

Q. Do you happen to know whether Miss Burns had any change of linen from Wednesday?

A. No.

Q. She had not?——A. Not that I know of.

Q. Who laid her on the sofa?

A. My Master and the cook took her from the corner and laid her on the sofa.

Q. Did they lay on her back upon the sofa?

A. Yes.

Q. When was it you went for Mrs. Bigham the prisoner's sister—did you go immediately after she was laid out?———A. Yes,

Q. And brought her?———A. Yes.

Court. By the Prisoner's direction?—A. Yes.

Q. Did you afterwards assist in taking the clothes off the deceased and stripping her?

A. A little, Sir.

Q. After Mrs. Bigham came?——A. Yes,

Q. Who were by at the time when you stripped her?——A. Mrs. Bigham, me, and the cook.

Q. Was not your Master present?

A. No, Sir.

Q. Who took the clothes that you stripped from Miss Burns, out of the room?——A. The Cook.

Q. And laid upon the bed up stairs, was it?

A. Yes.

Q. After this was the body taken up stairs?

A. Yes, Sir.

Court. The same day?———A. Yes.

Q. After this, do you recollect what time Mrs. Bigham left the house that day, or did she leave it?———A. Not that day.

Court. Not that night?

A. That was a late hour in the morning.

Q. What morning do you mean?

A. Saturday morning.

Q. Were you and the cook at any time with your master in the parlour in the course of that day?——A. Yes.

Q. What day was it you and the cook were with him in the parlour?——A. Saturday.

Q. Were you any length of time with him then?

A. No, we were not.

Q. When were you with him for any considerable time?

A. On Sunday night, a good while.

Q. And nobody else before?——A. No.

Q. How long do you think you were with him in the parlour?

A. About two hours, perhaps it might be a little more.

Q. By whose directions did you go into the parlour?———A. Master's.

Q. He ordered you and the cook to come into the parlour?——A. Yes.

Q. How long might you remain there?

A. Upwards of two hours; the company had gone out of the parlour and we were alone.

Q. During that time what did he say?

A. Nothing particular, only speaking of her goodness to him and the children.

Court. The goodness of the deceased you mean?

A. Yes.

Q. Now, what time on the Saturday morning did your Master go to bed?

A. Between two and three in the morning.

Court. That was after Mrs. Bigham had left?

A. Yes, my Lord.

Q. What time did your master get up that morning?——A. A little after eight.

Q, Do you recollect the washer-woman coming to your master's house on Saturday?

A. Yes,

Q. What time was it?—A. About nine o'clock.

Q. Who counted the cloaths?—A. Me.

Q. Who took the account of them?

A. My master.

Q. Did he write the account down?—A. Yes.

Q. Where was he when he did that?

A. In the parlour.

Q. At the time when these cloaths were delivered to the washer-woman, were there any that were at all discolored?

A. The bedgown and petticoat were with vomiting.

Q. And they were delivered to the washer-woman by you?—A. Yes.

Q. Was any thing else delivered by you that was discolored?

A. No, I did not deliver any thing else except a muslin cap and a pair of stockings.

Q. Now, did you take any particular notice of her countenance when you first discovered it was Miss Burns, when she was dead?

A. No, I did not take particular notice of her countenance.

Q. Did you observe any thing about it?

A. No, sir, I did not.

Q. How long did the body remain on the bed—in short, did it remain there till the Jury came?

A. Yes.

Q. Now between the Friday morning when she died and Sunday morning, was any medical person sent for?—A. Not that I know of.

Q. Did any medical person come, in point of fact, in that interval?—A. No.

Q. What time was it when any medical person did come—when did they first come?

A. About two o'clock in the afternoon, on Sunday.

Court. Do you recollect who came?

A. Mr. Hay, Dr. Rutter, Dr. Bostock, and Dr. Gerard.

Q. Any body else?

A. A young man, but I did not know his name.

Q. You mentioned Dr. Rutter's name, how far does Dr. Rutter live from your masters'?

A. Just over the way.

Q. How far does Dr. Gerard live from your masters'?—A. I do not know.

Q. You do not know where Dr. Gerard's house is?—A. No.

Q. You were about the children a good deal were you?—A. Yes.

Q. Your master's children?—A. Yes.

Q. Two girls?—A. Two girls and one boy.

Q. Of course then you must know whether their ears were bored?

A. No—they were not bored.

Q. You are sure of that?—A. Yes.

Court.—What age are these girls?

A. The eldest seven in June last.

Q. And the younger?—A. Five last March.

Q. During the time of Miss Burns's illness, from Wednesday the 23d to the time of her death—was any medical man called in to her assistance?

A. No, sir, she would not have any.

Q. Tell us what passed?

A. On Thursday my master sat down aside of her and said—" Miss Burns, shall I send for a Doctor—I will send for Dr. Park, he is the family Doctor, and don't be afraid of expence, he said—and she said,—" no, no, Mr. Angus, they can do me no good."

Q. Was that all?—A. Yes.

Court.—In what manner—what tone of voice did she answer—could you imitate her manner when she said—no, no, Mr. Angus, they can do me no good?

A. She said, no, no, Mr. Angus, tutt, tutt, *(witness repeats the words in a light, indifferent tone)*

Court.—What in that manner?—A. Yes.

Q. Do you remember at the time she was reaching, her saying any thing about what came off her stomach?

A. Oh Betty, she said, what bile comes off my stomach—I wish I had taken an emetic long since.

One of the Jury.—Q. What day was it that Miss Burns was asked about sending for the Doctor?

A. On Thursday.

Q. About what time of the day?

A. About 11 o'clock.

Cross-examined by Mr. Topping.

Q. I will only trouble you with a few questions —you had only been a month in the family, I think you say, before Miss Burns died?

A. Only a month.

Q. Upon the Wednesday morning, you say, you first observed Miss Burns was ill?

A. Yes.

Q. You saw she had been down stairs, and was going up again, when you arose in the morning?

A. Yes.

Q. At that time your master was in bed, I believe; he had not come down stairs, had he?

A. Yes, he had gone out to read the news.

Court. It was six o'Clock, you said, when you first saw Miss Burns—your Master had not gone out then?———A. Yes, he had.

Q. He was in the habit, was he not, of going out in the morning to read the news?

A. Yes, he used to go when it was fine.

Q. She breakfasted, I think you say, on the

Wednesday morning with your Master and the children ?———A. Yes.

Q. About nine o'Clock, I think, you say ?

A. Yes, it was.

Q. After that, you have told us, she became sick ?———A. Yes.

Q. She continued sick during the whole of the day, did she not ?

A. Yes, she did.

Q. And vomited a great deal ?

A. Yes, she did.

Q. How often do you think—I mean every hour, or half hour, or how ?

A. I cannot say.

Q. When you went in, you was rung for I believe, in consequence of her being sick ?

A. Yes, to take out the bowl.

Q. That happened very frequently in the course of the day ?———A. Yes.

Q. Upon the following morning, Thursday morning, I think you say she appeared better ?

A. No, no, in the evening, I said.

Q. Then on the Thursday, she was sick, as on the Wednesday ?———A. Yes.

Q. And repeatedly so in the course of the day ?

A. Yes.

Q. But in the evening, the sickness abated a great deal, and she was better ?———A. Yes.

Q. You and the Cook had been repeatedly in the room, in the couse of that day, had you not ?

A. Yes, backward and forward.

Q. Sometimes she went in and sometimes you ?

A. Yes.

Q. Now, upon the Friday, you told us, you was sent out for some Madeira ?———A. Yes.

Q. Miss Burns desired to have some ?

A. Yes.

Q. And your Master immediately sent for it?

A. Yes.

Q. You was some time absent—an hour and ten minutes, you say?——A. Yes.

Q. You was in a certain degree lame, and I believe you had some difficulty in finding the person?

A. Yes.

Q. You was therefore delayed longer than you otherwise would have been?——A. Yes.

Q. Was you desired by your Master and Miss Burns, to make what haste you could back?

A. Yes.

Q. Both by your Master and Miss Burns?

A. Yes—he said, Betty, go as quick as you can.

Q. And you was delayed, in consequence of not finding the person in, who had the key of the wine, to furnish you with it?——A. Yes.

Q. Upon your return, you say, on opening the door, you saw something in the corner, which induced you to go into the kitchen, and speak to the Cook?——A. Yes.

Q. And then you came into the room together?

A. Yes.

Q. You then found it was Miss Burns?

A. Yes.

Q. Cower'd down as you have stated?

A. Yes.

Q. Was the chamber pot there?

A. Yes, and it went into the middle of the floor; with the force of my opening the door, it ran into the middle of the room.

Q. You found, you say, your Master wrapped up in the Counterpane, and asleep?——A. Yes.

Q. You had gone into the room, you told us, at six o'Clock in the morning?——A. Yes.

Q. When you rose at 6 o'Clock, on coming down stairs, you went into the parlour?—A. Yes.

Q. And you found your Master asleep at *that* time ?——A. Yes.

Court. She did not observe her Master, the first time she went into the room ?

Mr. Topping. No, my Lord, she only just opened the door.

Court. She observed her Master the second time, but as you put the question, it seems as if she had seen him both times.

Mr. Topping. No, my Lord, I am inquiring about a different thing—this was when she first came down in the morning.

Court. Her account before, was, that when she had opened the door and saw something, as she says, cower'd down, she was frightened, and ran into the kitchen, and asked the Cook where Miss Burns was—then she went back with the Cook, and *then* it was, that she discovered her Master lying on the chair.

Mr. Topping. Yes, my Lord, that was after she came back with the Madeira.

Q. When you came back with the Madeira, was that the time that you opened the door and saw Miss Burns cowered down in the corner ?

A. Yes, that was the time, I had the wine in my hand.

Q. Now, at six o'clock in the morning, when you came down stairs, you went into the room and found your master asleep, then, and wrapped up in the counterpane, as you afterwards did when you returned with the Madeira ?—A. Yes.

Court. Had you seen your Master asleep in his chair on the Friday morning before you was sent for the Madeira ?

A. Yes, the first time that we went into the room ?

Q. You told us, I think, you were rung up at four o'clock that morning to go to the children?

A. Yes.

Q. And then, after having done what was necessary, you went up to bed again; rose again at six; came down stairs; went out for the wine; returned; and found Miss Burns dead, as you have said, and your master asleep, and lying upon the sofa?

A. Yes.

Q. You have told us, I think, that your master was in the habit of sitting up late?—A. Yes.

Q. In the habit of sitting up late, reading, you say?——A. Yes.

Q. I believe, about that time, your master's mind had been a good deal distressed about the situation of his brother, had it not?

A. Yes: a great deal indeed.

Q. His brother, I believe, had become deranged in his intellect?———A. Yes.

Q. When you offered to sit up, therefore, he told you he could not sleep, and you might go to bed, for you would have your work to do the following day, and that he was used to it?—A. Yes.

Q. I take it for granted that at that time of the year you had a fire in the room?——A. Yes.

Q. Fires were kept up constantly, were they not?——A. Yes.

Q. You and your fellow servant, the Cook, went into the room as often as you pleased, did you not?

A. Yes, sir, as often as we chose.

Q. There was no impediment to your going in at any time?—A. None at all.

Q. Upon your going in at any time did you observe any alteration in the state of the furniture?

A. Not in the least.

Q. Upon the Friday morning, when your master

had been awoke by being shaken by your fellow-servant—I think you told us, he jumped up, and upon seeing the deceased, exclaimed, good God what is this?—A. Yes.

Q. Did he appear to you to be greatly agitated and distressed?—A. Greatly indeed!

Q. Upon the Thursday morning, you say, he asked Miss Burns if he should send for Dr. Park, who was the Physician of the family?—A. Yes.

Q. I believe you don't happen to know that circumstance, having lived there so short a time?

A. No.

Q. However, she declined in the manner you have stated, and which I won't repeat—I don't know whether you happen to know that Miss Burns had a dislike to Doctors, if you do not, you will say so?—A. I do not.

Q. However she declined it?—A. Yes she did.

Q. I don't know whether, from the short time you lived there, you had an opportunity of knowing, that Miss Burns was of a saving, penurious turn?—A. Very much so, indeed.

Q. Upon the occasion of Mr. Angus proposing to send for Dr. Park, I think you told us, he said, "don't mind the expence."—A. Yes.

Q. I think you have also told us, that upon the Thursday, your master had been out in the morning, for that you let him in a little before three?

A. Yes.

Q. I don't know whether you observed him go out or not?—A. No.

Q. However you let him in a little before three you say?—A. Yes.

Q. When your master had been awoke, and the deceased found in the corner, I think you say, she was lifted upon the sofa?—A. Yes, she was.

Q. How long might she remain there, before she was removed up stairs?

A. About an hour—not longer.

Q. You were sent for Mrs. Bigham I think you say?——A. Yes.

Q. Mrs. Bigham came, and Mrs. Jones?

A. Yes.

Q. Mrs. Jones, I believe was the most intimate friend which the deceased Miss Burns had?

A. Yes, she was.

Q. And she came along with Mrs. Bigham?

A. With Mr. Bigham, and Mrs. Bigham came with me.

Q. You have been speaking in answer to a question put about some stays, do you know who it was that put those stays in that place?

A. No, I do not.

Q. Have you not said, that you were doubtful, whether in the confusion that took place during this melancholy scene, you yourself was not the person that did it?——A. No.

Q. But might you not, think you, have done it without remembering the circumstance?

A. Perhaps I might.

Q. You was the person that assisted in stripping the deceased?——A. I assisted a little.

Q. The clothes you have told us, were taken away by Ann Hopkins into the cellar, where they remained till the constable took them?

A. They did.

Q. Miss Burns, you have told us, was the governess of Mr. Angus's children, and the housekeeper in his family?——A. Yes.

Q. Had she, as housekeeper, the keys of the doors and cupboards?——A. Yes, she had.

Q. Of course, therefore, she had an opportunity

of going to every cupboard and door in the house?

A. Yes, I have seen her go to them all.

Q. You know the wardrobe?——A. Yes.

Q. She had the key of that, had she not?

A. Yes, she had.

Q. Now, I would ask you, my girl, from the opportunities you have had of going into these rooms with your fellow servant, and particularly into the parlour, without any sort of impediment, and as often as you liked, is it possible a child could have been brought forth in that place without your having been able to discover it?

A. No, I think it is not possible without it was whilst I was in bed.

Q. But I am speaking in reference to that state of the room, you have told us there was no alteration in the furniture?

A. Nothing of the sort.

Q. Did that door open easily or did it make considerable noise in opening?

A. It made some noise in opening.

Q. But I mean did it make much noise, was it pullied?

Prisoner. Not the parlour door.

Q. Are the other doors pullied?—A. Yes.

Re-examined by Mr. Raine.

Q. Do I understand you right, that when you say, the child could not have been born without your knowing it, you mean in the day time?

A. Yes.

Q. Let me ask you who it was that sent you for the Madeira?

A. Miss Burns was the first that mentioned it, and Master gave me a note.

Q. Then he was awake then?——A. Yes.

Q. Now are you sure that it was a quarter before six that your Master went to read the news?

A. Yes, it was.

Prisoner. Was I out on Friday?

A. No, you were not, Sir.

Court. What was the usual time that Miss Burns generally got up in the morning?

A. Very early, but I cannot say the hour.

Court. She did not say any thing to you, by way of explanation, why she was up at that time?

A. No, Sir.

Prisoner. Was it much earlier than her usual hour of rising?——A. No, it was not.

Court. You spoke of the quantity of gruel or liquid she took the first day, what quantity do you suppose she might take the second day, on the Thursday?————A. I cannot say.

Mr. Raine. Will your Lordship have the goodness to ask whether, on the Friday morning, at an early hour, she went with the children to Everton?

Court. Did you go to Everton with the children on the Friday morning?

A. Not with the children.

Court. Did you go without the children?

A. Yes, about seven o'clock.

Court. How long might you be absent?

A. About half an hour.

Court. Are you quite sure that this was on the Friday morning?——A. Quite so, indeed.

Mr. Raine. Whether it was her practice or habit, my Lord, to do so.

Court. Were you in the habit of going to Everton early in the morning?

A. Yes, every morning while I lived there.

Court.—Did you go there only to take the children in general?—A. We went for milk and cream.

Court.—And you were in the habit of going there every morning?—A. Every morning, sir.

Prisoner.—Before the witness is discharged, I wish it to be established, whether I was out of my own house or not on the Friday morning, as far as she knows.

Court to the witness.—Do you think your master could have been out on the Friday morning without your knowing it?—A. He could not.

Court.—Was he out or was he not on Friday morning?—A. He was not to my knowledge.

ANN HOPKINS, *sworn.*

Examined by Mr. Raine.

Q. Did you live in the service of the Prisoner in March last?—A. Yes.

Q. In what capacity?—A. In the kitchen.

Q. In what character?—A. As Cook.

Q. How long had you lived with him as Cook before Miss Burns's death?—A. A month.

Q. At what time used Miss Burns usually to rise in the morning?

A. Pretty early every morning.

Q. At what time did she usually come down stairs?—A. Towards seven o'clock.

Q. About seven?—A. Yes, about seven.

Q. Do you remember at what time she came down stairs on Wednesday morning, the 23d March?—A. Between six and seven.

Q. Do you remember saying any thing to her on that?

A. Yes, I told her she had rose early—she told me she could not sleep.

Q. Was that all that passed between you.

A. Yes, it was.

Q. Where did she go?

A. She went to a Cupboard in the parlour.

Q. How long did she stop?

A. She did not stop any—very little—she went up stairs again.

Q. What to her bed-room?

A. Yes, I suppose to her bed-room.

Q. What time did she come down again?

A. It was about nine o'clock, sir, that she came down again.

Q. What room did she go into then?

A. Into the Parlour.

Q. Did she take breakfast?

A. I cannot say, I was not in the parlour.

Q. Was your Master in the parlour?

A. I believe so.

Q. Had you any orders about making gruel?

A. Yes.

Q. About what time?

A. After breakfast, about ten o'Clock.

Q. Did you make it?——A. I did.

Q. For whom did you make it?

A. For her, for Miss Burns, as I thought.

Q. What quantity did you make?

A. I dare say about a pint the first time.

Q. In the course of the morning, did you make any more?

A. In the forenoon I made more.

Q. How much do you think in all?

A. It might be a pint or a quart I cannot tell exactly, the quantity might be betwixt a pint and a quart.

Court. How often did you make gruel that day?

A. It was by the fire all the day, and when she wanted it she asked for it.

Court. Did you take it in yourself, or did you send it?—A. No, the house-maid went in with it.

Q. Do you remember what time it was, when you yourself went into the parlour?

A. In the forenoon about ten o'Clock.

Q. Where was she, at that time?

A. Upon the Sofa.

Q. But how was she?

A. She seemed to be very poorly.

Q. Did she complain at all?——A. Very little.

Q. Did she complain *at all?*

A. Yes, she complained she was poorly.

Q. Tell us what she complained of?

A. She complained of a pain in her bowels.

Q. What else?

A. She did not say any thing else.

Q. Was she sick?——A. Not at that time—she was sick after—very much.

Q. Did she vomit?——A. Yes.

Q. When?——A. That day, very much.

Q. What sort of matter was it that was produced?

A. Why, the first was green, and in it there seemed as if there was the yoke of an egg, or the inside of an orange?

Q. You mean of that colour?

A. No, sir, there was bits in it—

Q. Bits of yellow?

A. Yes, like the inside of an orange, or the yoke of an egg.

Q. Did the vomiting continue green, or did it turn any other color?

A. After it ceased being green, it turned rather blacker.

Q. Was she thirsty at all?—A. Very thirsty, Sir.

Q. Did this sickness continue all day?

A. All day.

Q. In the course of the day, did she take all the gruel which you had made?

A. I cannot say whether she took it all, I did not bring it her, she might take it all, for what I know.

Q. Were you the person that brought the quilt down stairs?——A. No.

Q. Who was it?——A. The house-maid.

Q. You had nothing to do with it, or the easy chair?——A. Yes, with the chair.

Q. Did you help to bring the easy chair down into the parlour?———A. Yes.

Q. Do you remember saying any thing to your Master, about who should sit up with Miss Burns?

A. Yes, on the Wednesday night, near bed time, I went in, and asked Miss Burns, herself, whether she would wish us to sit up with her.

Court. Was the Prisoner there at the time?

A. Yes—I asked whether we must make a fire in her room, and bring our bed down into her bed-room.

Q. Did your Master say any thing to that?

A. He did not.

Q. What answer was given?

A. I asked her, whether we must bring our bed down, or sit up with her; she made answer and said—no, Mr. Angus will sit up with me.

Q. Do you remember your Master saying any thing?——A. No, sir, I do not.

Q. Was Elizabeth Nickson by, at the time?

A. No, she was in the kitchen, and I went in myself.

Q. Was Elizabeth Nickson by at any time, when any thing was said about sitting up?

A, No, not that night, she was the next night.

Q. Was any thing more said by any body, about Mr. Angus sitting up?——A. No, Sir.

Q. Did you observe, just before you went to bed, how Miss Burns was?

A. She seemed very poorly, I did not take notice, not how she was, she seemed very poorly when we went to bed, on Wednesday night.

Q. Did she complain at all, at that time?

A. Not to me, Sir, she did not.

Q. You, and your fellow-servant went to bed?

A. We went to bed.

Q. What time did you get up next morning?

A. About six o'Clock.

Q. When you came down stairs, did you go into the parlour?

A. Yes, I went into the parlour, and she complained she was very thirsty.

Q. Where was she then?—A. Upon the Sofa.

Q. Now, when you first went into the parlour, that morning, was your master there?

A. Yes, he was in when I first went.

Q. Where was he?—A. Upon his easy chair.

Q. Now, did your master leave the room?

A. Yes, Sir, he left the room.

Q. What, immediately, do you mean?

A. Directly.

Court. When did he leave the room?

A. On Thursday morning.

Court. About what time?

A. Directly after I came in.

Q. Where did he go to?

A. He went up stairs to bed.

Q. How long did he continue in bed that morning?—A. 'Till towards nine o'clock.

Q. Now, that morning, do you remember Miss Burns complaining of any thirst?

A. Yes, she was very dry, and said she was tired of gruel, so I asked her, if she had any butter-milk in the house, and she said no—and I

went to get her some butter-milk—I got her some, and made her some water-possit.

Q. What quantity did you get?

A. A pennyworth.

Q. Did she drink it?

A. Yes—but I did not see her.

Q. Did it settle upon her stomach?

A. I don't know—she vomited all that day.

Q. Well—how long after she had taken the water-possit did she vomit?

A. I cannot tell exactly how long it was.

Q. Did you see her vomit that morning?

A. Yes.

Q. What sort of matter was produced that morning?

A. That morning it was of a blacker colour than it was the day before.

Q. Did you give her any beer that morning?

A. The maid servant did.

Q. Did you see her heat it?—A. Yes.

Q. Do you remember Miss Burns making any complaint about her water?—A. Yes.

Court.—On what day was that?

A. That was on Thursday morning.

Q. What was the complaint she made?

A. She said she was badly hurt to make water. I sliced an onion and poured some boiling water upon it.

Q. Was it put into a bason?—A. No.

Q. How did she apply it, did she sit upon it?

A. Yes.

Q. Did it relieve her?—A. Yes.

Q. Now, how did she continue during the whole of this day—Thursday—how was she?

A. She was very poorly.

Q. The whole day?—A. The whole day.

Q. At night—was any thing said about sitting up?—A. Why, sir, I did not go in that night.

Q. Did you go to bed?—A. I went to bed.

Q. At what time?

A. At ten o'clock—the usual hour.

Q. And your fellow-servant with you?—A. Yes.

Q. Who sat up that night with Miss Burns?

A. Mr. Angus.

Q. What time did you get up on Friday morning?

A. Betwixt six and seven, rather after six that morning.

Q. Was the bell rung?

A. Yes, before I went into the parlour.

Q. And upon that did you go into the parlour?

A. Yes.

Q. Was that soon after you got up?

A. About ten minutes after.

Q. When you went in did you see Miss Burns?

A. Yes.

Q. Where was she?

A. She was lying upon the sofa.

Q. Upon going in did you see your master?

A. Yes, he was sitting in his easy chair.

Q. Do you remember Miss Burns having any thing to drink that morning, on Friday, and what was it?———A. She asked for a drink of beer.

Q. On the Friday morning?—A. Yes.

Q. Did you draw the beer?—A. Yes.

Q. Did you warm it?—A. I warmed it.

Q. Did you give it her?—A. Yes.

Q. Did that settle on her stomach?

A. Yes, Sir, her vomiting had ceased then.

Q. Do you remember what came upon her when the vomiting had ceased?—A. A lax, sir.

Q. How was she at that time as to pain?

A. She said the pain was left her.

Q. Do you remember the words she used?

A. Why she did not say any thing to me, she was a very close tempered woman.

Q. You say the pain had left her—I wish you to use her own words if you can?

A. I asked her how she was, and she said the pain was left her.

Q. Now, were you with her that morning a good deal.

A. I was backward and forward in the parlour.

Q. What did you observe?

A. Her breath was rather short.

Q. What did she take that morning?

A. I made her gruel that morning.

Q. Did she take much?—A. No, not a great deal.

Q. About how much?

A. A bowl full, about a pint.

Q. Did you observe her breath that morning?

A. Yes.

Q. Do you remember something being said about dinner?———A. Yes.

Q. What hour was that?

A. Between ten and eleven, as near as I can guess.

Court. On Friday?——A. Yes.

Q. Was dinner ordered—and by whom?

A. By Mr. Angus and by her.

Q. About ten or eleven as you think?

A. Yes.

Q. Now at the time when dinner was ordered, how long was it before she died?

A. When I went out to get dinner, and I did not stop a great while, I did not go in again.

Q. But you went in afterwards, you know, with Elizabeth Nickson?

A. It might be a quarter of an hour or half an hour after I went out, before Elizabeth Nickson came.

Q. Do you remember any thing being said, and by whom?

A. When they ordered dinner, Miss Burns said she would have barley water, against Betty came home I was to make the barley water.

Q. Betty was gone for the wine was she at that time?——A. Yes.

Q. And you must make the barley water against Betty came back?———A. Yes.

Q. Did you then go into the kitchen?

A. I went into the kitchen.

Q. I believe you did not afterwards go into the parlour until Betty returned?

A. No, before that I put the bowl of gruel aside of the chair?

Q. You had left her this bowl of guel?

A. Yes.

Q. But after the dinner was ordered you went into the kitchen and did not return into the parlour until Betty returned?——A. I did not.

Q. Do you remember Betty coming into the kitchen?

A. She went straight into the parlour, and came running into the kitchen and said, Oh, Nancy! says she, where is my mistress?

Q. How did she say that?

A. Why she was in a fright.

Q. In a low tone of voice, or how?

A. Why she seemed to be rather frightened.

Q. Did you answer her?

A. After a bit I said why she's in the parlour, and she said, Oh, no, she is not.

Q. Did you and Betty then go into the parlour?

A. We went together,——I went first, and she followed me, we found her in the corner just as we went in, and she was dead.

Q. How was she?

A. Her face was aside of the wall, and one foot seemed as if it was crudle'd under her.

Q. How were her arms?

A. I did not take notice of her arms.

Q. Was she dead?——A. Yes Sir.

Q. Was your Master in the room?

A. He was in the room.

Q. Where?———A. Upon his easy chair.

Q. Had he any thing over him?

A. To my knowledge, I think he had nothing over him, he was upon the easy chair, and there was a counterpane on the chair.

Q. Was there any thing over his head?

A. I think he had his cap on.

Q. But nothing besides his cap?

A. I am not quite sure, whether he had any thing besides, I was so frightened, I really cannot say.

Q. Who first went up to him?——A. I did.

Q. Did you speak?

A. I did not speak, but shook him first.

Q. Did Betty speak?—A. She screamed.

Q. When Betty screamed, was he awake then?

A. Not seemingly, he was not.

Q. Then you shook him?

A. I shook him, Sir.

Q. How long did you shake him before he awoke?

A. I seemingly shook him a good bit before he awoke.

Q. When he awoke, what did he say?

A. He stood, and said, my God! he said, what is this. Sir, said I, Miss Burns is dead. Dead! he says, dead! and I said, Yes.

Q. What did he say then?

A. He said no more—but we stood a good bit —and at last I asked him for to help me to lift her upon the Sofa.

Q. Did he?———A. Yes.

Q. Did you and your master lay the corpse upon the Sofa?———A. Yes, Sir.

Q. How—upon her back?

A. Upon her back.

Q. Now, to your knowledge—had Miss Burns had any change of linen, from Wednesday to the time she died?

A. Not to my knowledge.

Q. Who helped to remove the corpse, and to take it up stairs?

A. Me and the house-maid, and Mrs. Bigham, and Mrs. Jones, and Mr. Angus's brother's servant.

Q. Did you help to strip her?———A. Yes.

Q. What were the clothes you took from her?

A. A flannel gown, and a flannel petticoat, a shift and a pair of stockings.

Q. Any waistcoat?——A. A flannel waistcoat.

Q. Any bandage?——A. Yes, Sir, she had.

Q. What was the bandage, and where?

A. Two cloths.

Q. Had she any bandage about her?

A. Round her waist she had not any, only two cloths below.

Q. A bandage, did you say?

A. No bandage at all—only two cloths below.

Q. Was there any wrapper?

A. She had no wrapper.

Q. Did you see any flannel wrapper?

A. There was a flannel wrapper on the Sofa.

Q. Had she no wrapper on—you tell me, on the Sofa there was a flannel wrapper, what do you mean by that?

A. One that she was laid on, Sir.

Q. Did you collect the clothes that were taken from her?

A. I took them all together, Sir.

Court. Was that which you call a flannel wrapper, on which she lay, was that Mr. Angus's morning gown?

A. Yes, my Lord—which she sometimes put over her, and sometimes under her—

Court. And that was Mr. Angus's morning gown?——A. It was, Sir.

Q. You spoke of two cloths—were they fastened?———A. Yes.

Q. How?——A. Round her thigh?

Q. Was there any thing above, to fasten these cloths too?——A. Nothing but a piece of tape.

Court. Where was it tied—round her body, or how?——A. Yes, my Lord.

Q. You say, you put these clothes all together, that you took from her—where did you take them to?——A. Down into the cellar.

Q. Did you observe the linen?

A. I did not take much notice of it.

Q. Did you observe whether it was dry?

A. It was wet.

Q. To whom did you afterwards deliver those clothes, that you so carried down into the cellar?

A. Why, Sir, the constable took them.

Q. Upton?——A. Yes.

Q. Do you remember what time of the day it was on Friday, when the body was carried up stairs?

A. It might be twelve, or between twelve and one, nigher one.

Q. From the time Miss Burns was first taken ill, to the time of her death, did any medical person—any doctor attend her?

A. Not that I know of. On Thursday, she ordered dinner at three o'Clock, we generally dined

at two, and she told me, Mr. Angus was going to a doctor to advise about her.

Q. What more did she say?

A. She did not say any more to me.

Q. Did any doctor come?

A. No doctor came that I know of.

Q. Now, from the time of her being laid upon the bed up stairs till Sunday morning, were any doctors sent for to examine her?

A. Not that I know of, Sir.

Q. What time did the doctors come on Sunday?

A. It was about one o'clock—I think so.

Q. Did you shew them the body?—A. Yes, I did.

Q. Had you at any time mentioned to Miss Burns about having any doctor?—A. Yes, I did.

Q. More than once?———A. No, Sir.

Q. But once, however, you did—what day was that?

A. I think it was on the Thursday, but I don't know whether it was Wednesday or Thursday, but on one of those days I did—she said no doctor would do her any good.

Q. What else did she add?

A. She did not say any thing else, at all.

Court. Was your master there at the time?

A. No, Sir, I don't think he was.

Q. Now, on the Friday morning, before she died, did you observe her face?

A. Yes, Sir, I did, it was rather black.

Q. How did it appear—full, or how?

A. I don't think her face appeared any fuller than usual.

Q. Was it as full?

A. Yes, it was as full—she had always a very poor look.

Q. Did you observe her nails or knuckles?

A. No sir, I did not.

Q. At the time when you left her on the sofa, had she any stays on?—A. She had not.

Q. Now you noticed her dress on the Friday morning?—A. Yes, sir.

Q. Was that the same she had on, on the Thursday night?

A. It was for any thing I know of—I did not see any difference in her dress at all—I was very little in on Thursday.

Q. Had you noticed her dress on Wednesday?

A. She had a white bed-gown on, on Wednesday, and a callico petticoat.

Q. Had she the same on on Friday morning when she died?

A. No Sir, she had a flannel gown on, and a flannel petticoat—her top things were different.

Court.—Were these over the white gown—had she the white bed-gown on?

A. No sir, she had not.

Q. From what you observed of her on Thursday night, was she able to dress herself?

A. Why, she was seemingly very poorly, as if she could not sit.

Q. The last time you saw her, now, before she died, did she appear to you as if she was able to dress herself?

A. I did not think she could dress herself.

Court.—You had not seen her on the Thursday night?

A. I did not see her, my Lord, on the Thursday night.

Cross-examined by Mr. Scarlet.

Q. Mrs. Hopkins, I think you stated you had

lived with Mr. Angus about a month before he was taken up?—A. Yes.

Q. Had you known him before?—A. Never.

Q. Had you known Miss Burns before?

A. Never.

Q. You never knew either of them?

A. Neither of them.

Q. Your situation was that of Cook?—A. Yes.

Q. And to clean the house I suppose?—A. Yes.

Q. There was but yourself and another servant?

A. No.

Q. You have mentioned the two children—

Witness—Three children, Sir.

Q. Well three—how old is the youngest child did you say?

A. The eldest seven—the second about five—and the other a little more than three.

Q. The youngest, I believe, is a boy?—A. Yes.

Q. The two younger children, I suppose, required the attendance of somebody pretty constantly?

A. Miss Burns always attended them.

Q. Yes I know when she was well that she attended to them, but when she was ill and could not attend them, it was necessary that one of you should?

A. The house-maid attended them then.

Q. That is Elizabeth Nickson?—A. Yes.

Q. Are you a married woman?

A. I have been.

Q. Have you had any children?—A. Yes.

Q. How many?——A. Half a dozen.

Q. You stated to us a little while ago that on the Wednesday morning when Miss Burns came into the kitchen, you observed to her that she rose early?——A. Into the parlour, Sir.

Q. Did you observe her go into the kitchen?

A. No, Sir.

Q. Did you know she was poorly before the gruel was ordered?

A. Yes, I knew she was poorly—Betty brought me word out of the Parlour.

Q. Now, after you had known she was poorly, and had made the gruel, did you go pretty often into the parlour to ask her how she did?

A. Not very often, but I did go.

Q. How many times?——A. I cannot say.

Q. There was nothing to prevent your going as often as you liked?

A. Nothing at all, only the work of the house.

Q. I suppose the work of the house and the attendance of the children was as much as you and Elizabeth Nickson could get through very well?

A. It was.

Q. Had you seen your master on the Wednesday at any time?

A. Yes, Sir.

Q. Where?—A. In the parlour, Sir.

Q. Do you know at what time he went out on Wednesday?

A. He went out on Wednesday morning.

Q. What time?

A. I believe it was seven o'clock.

Q. Do you remember the time exactly?

A, Not so very exactly.

Q. It was in the morning, however?

A. Yes, he went to read the newspaper.

Q. Was that his general practice?

A. He went several times while I was there.

Q. In a morning?——A. Yes.

Q. He went out on Wednesday as usual?

A. Yes.

Q. What time did he breakfast in general?

A. About eight o'clock.

Q. Were you ever in the parlour during any time on the Wednesday when your master was not there, do you recollect?—A. No, Sir, I was not.

Q. What time did they dine on Wednesday?

A. Two o'clock.

Q. Now you have been stating to us just now, that you asked Miss Burns if she wished you to sit up?——A. Yes.

Q. What time in the Wednesday evening was it you asked her that question?

A. About ten o'clock at night just before we went to bed.

Q. Miss Burns had been used to sleep in the room with the children had she not?—A. Yes, Sir.

Q. Who slept in the room with the children that night?——A. No one.

Q. Is Elizabeth Nickson's room near the childrens?——A. It is over it.

Q. What time were you up on the Thursday morning?—A. It was six o'clock.

Q. That was your usual time?—A. Yes.

Q. Your master went to bed when you got up?

A. Yes.

Q. And staid till nine?——A. Yes.

Q. Now I wish to ask you whether you saw Miss Burns between the hours of six and nine on Thursday morning when your master was in bed?

A. Yes, I was cleaning about the parlour.

Q. You were then alone with her there?

A. No, I was backward and forward.

Q. Very well, did she seem as ill during that time, as she had been before on the Wednesday?

A. No, she did not, Sir.

Court. Where was your master at that time?

A. In bed.

Q. Not so full of pain on the Thursday morning?——No.

Q. But still poorly?——A. Yes.

Q. And complaining?

A. She did not complain a great deal all toge- she was so close tempered.

Q. Now, when your Master got up at nine, do you know when he went out on the Thursday—when he left the house?

A. He got up, and dressed himself, but I cannot tell exactly the hour when he went out.

Q. How soon after breakfast?

A. As soon as he had dressed himself.

Q. As he got up about nine, he breakfasted about that time, I suppose?—A. About that time.

Court. Did he dress immediately after breakfast?

A. I believe he did, sir.

Q. Was he generally long at breakfast?

A. Not long.

Q. Do you think he might go out about ten or eleven?——A. About eleven, for he was generally long in dressing himself.

Q. Was dinner ordered before he went out?

A. Yes, sir, Miss Burns had ordered it.

Q. Was that in his presence?

A. No, not in his presence—he was dressing at that time.

Q. Do you recollect what time he came home on the Thursday?——A. After three o'clock.

Q. Then from the time he went out to the time he came home, after three o'clock, there was nobody to attend Miss Burns, but you and the other servant?

A. None—the other servant attended her.

Q. Whatever Miss Burns had done, or what-

ever had passed during that period, you, or Elizabeth Nickson would have known?

A. I don't think I was in the parlour from that time, till the next morning.

Q. Was there any thing to prevent you going in?

A. No, Sir, there was nothing but my work.

Q. Did you not say, a little while ago, that on the Thursday, you had asked Miss Burns, whether she would have a doctor?

A. Yes, it was on Thursday, in the morning.

Q. And then she told you, it would do her no good?——A. Yes.

Q. Don't you know, she was very much averse to having a Doctor?

A. She was—it seemed to me so.

Q. Had you an opportunity of knowing, before Miss Burns was taken ill, whether she was very saving of her money?

A. Yes, she seemed very careful, Sir.

Q. Did you not say a little while ago—that she had told you when your Master was gone out, he was gone to advise with a doctor?——A. Yes.

Q. Then you must have seen her in the forenoon?——A. That was when she ordered dinner.

Q. Then did she say he was *gone* out, or he was *going* out?

A. That he was *going* out, and she ordered dinner a little later, because Mr. Angus was going out to advise with the Doctor.

Q. That was while he was dressing?

A. While he was dressing.

Q. Now, I wish to ask you about Miss Burns' clothes—were you in the habit of knowing when she changed her dress?

A. I did not, indeed, Sir.

Q. When she was dead, in the manner you re-

present, you were the person that assisted in laying her out upon the Sofa?

A. Yes, Sir.

Q. You say, she had no wrapper about her person?——A. No.

Q. What do you mean by wrapper?

A. Her top-garment.

Q. Now, you, having had so many children, know the kind of clothes women wear after childbirth—had she any thing of that kind on?

A. No, she had not—nothing about her waist.

Q. You represented that she had two cloths, that were under; were not those such cloths as women wear, who are in a certain situation?

A. Yes.

Q. Did you take those cloths off?

A. I untied them altogether—I took her clothes all down together.

Q. You don't know whether she had changed her linen since the Wednesday?

A. I don't know, indeed—I cannot say whether she did or not.

Q. Now, as you have had so many children—you will understand my question—did there in any part of the cloths you took from her, appear to you the least indication, as if she had had a child?

A. A lax was heavy upon her, and I thought, that had occasioned her being wet.

Q. Did you see any appearance of blood?

A. Yes, upon the shift that I took off, there was.

Q. Was it in such quantities as generally follows childbirth?—A. No, it was not a great deal.

Q. When you had the conversation with her on Thursday morning, as you represented, you did

not, at that time, know that she was in a certain situation I have before alluded to?

A. I did not, indeed, Sir—She did not mention that.

Q. You were asked a little while ago, about finding your master asleep, and you stated that when you found this poor young lady dead, you awoke your master, and that he stood and said my God what's this—and you said she's dead?

A. Yes.

Q. I ask you now, if he did not appear to you to be extremely affected, and very much surprised by it?—A. He was.

Q. Were you in the room that morning before the Madeira was sent for?

A. Yes, on Friday morning.

Q. What time was you with her in the parlour?

A. Between six and seven.

Q. Your master was asleep then was he not?

A. No, he was awake.

Q. Was he in his chair—in his easy chair?

A. Yes Sir then.

Q. Had he the same dress on that he had when you found Miss Burns was dead?

A. Yes, it seemed to me to be the same dress.

Court.—Had he got his morning gown on;

A. He had my Lord.

Q. There was a Counterpane, where was that?

A. It was on the top of the easy chair.

Q. Just as it was afterwards when he was asleep in the chair?—A. The very same.

Q. Had you seen him asleep any time that morning do you recollect?—A. No Sir, I think not.

Q. Not until after?

A. Not until after—I never saw him asleep to my knowledge.

Q. Did you attend Miss Burns when she was in a lax, or did you know her to be so on the Friday morning?

A. On Friday morning she was, all the morning.

Q. And the other servant went in to her occasionally?—A. Yes.

Q. Where did Mr. Angus go then—when your mistress had occasion for your assistance in the lax, I suppose Mr. Angus went into the other parlour?

A. Yes, and when I took the things away he came back again.

SARAH LAWSON, *sworn.*

Examined by Mr. Clark.

Q. You are the wife of Mr. William Lawson of Liverpool?——A. I am, Sir.

Q. You live, Ma'am, I believe, the next door to the Prisoner?——A. I do, Sir.

Q. I believe you have lived there several years, have you not?——A. A number of years.

Q. How many?——A. Ten all together.

Q. Did that, Ma'am, give you an opportunity of being acquainted with the late Mrs. Angus?

A. Yes, Sir.

Q. Have you, Ma'am, the means of knowing that Miss Burns came there on the death of Mrs. Angus?——A. To the best of my recollection, she came prior to the death of that lady.

Q. But, certainly, subsequent to that time she has been there?——A. Certainly.

Q. Living then, Ma'am, the next door to Mr. Angus, had you frequent opportunities of seeing Miss Burns?——A. Frequent ones, Sir.

Q. Do you remember, Ma'am, seeing her about three or four weeks before her death?

A. I did, Sir.

Q. Did you observe, Ma'am, any thing respecting her appearance, at that time?

A. I did, Sir.

Q. Will you state what you observed?

A. I should have judged, Sir, from her appearance, that she was in a state of pregnancy.

Q. Did you see her, Ma'am, frequently after that time?

A. Not frequently—only twice that I recollect.

Q. What was the first of these times that you observed her afterwards?

A. On the Saturday preceding her death.

Q. What was her appearance, Ma'am, at that time?

A. Similar to what I had remarked before.

Q. How near, Ma'am, might you be to her, during that time that you made the observation on the Saturday?

A. I was at the window of my own house, when she passed close by.

Q. Did her health, Ma'am, appear to be the same as it had been for some time past?

A. Yes.

Q. She appeared in her usual state of health?

A. She did, Sir.

Q. Now, Ma'am, when was the last time you saw her, before her death?

A. The following Tuesday.

Q. You saw her then, Ma'am, on the Tuesday before her death?——A. I did, Sir.

Q. Where did you see her, Ma'am, at that time?

A. Passing the house, as before.

Q. Had she any children with her, Ma'am, at that time?——A. She had, Sir, two.

Q. Did you immediately, Ma'am, recognize her to be Miss Burns?——A. I did, Sir.

Q. What was her appearance at that time?

A. Similar to what I had remarked at the former time, Sir.

Q. Had she, Ma'am, at that time, the appearance which all pregnant women have, or not?

A. In my opinion she had.

Q. Were the first observations you made upon her, strengthened or weakened by her subsequent appearance?

A. They were strengthened, Sir.

Q. Now, Ma'am, what did her health appear to be, on this Tuesday?

A. She appeared in perfect health, Sir, at least I thought so.

Cross examined by Mr. Cross.

Q. Mrs. Lawson, you were not particularly intimate with this young lady?——A. No, Sir.

Q. You had been intimate, formerly, with Mrs. Angus?——A. A little acquainted, Sir.

Q. Very little acquainted—you did not visit?

A. I had been in the house twice, I believe.

Q. But you did not visit Miss Burns?

A. No, I did not.

Q. Were you upon neighbourly terms?

A. Yes, we were so far so as to be of service to each other.

Q. No misunderstanding at all between you?

A. None, whatever.

Q. Nor between you and Mrs. Angus?

A. None, whatever.

Q. Have you ever conversed with her, and how long before her death?

A. Only so far as speaking when we met, and at the time I have mentioned, so far as just speaking and moving, in passing.

MARY CLARKE, *sworn.*

Examined by Mr. Raine.

Q. You are are a married woman, Mrs. Clarke?
A. Yes.
Q. And have been so for many years?
A. Yes.
Q. How many children have you had?
A. Nine.
Q. Did you live near the house of the Prisoner at the bar, at Liverpool?—A. I did, Sir.
Q. Is it in the same street?
A. In the next street, King street.
Q. You keep a public house, I understand?
A. Yes.
Q. Did you know Miss Burns?—A. Yes.
Q. Did she come to your house for ale?
A. Yes, Sir.
Q. When did you first begin to keep a public house?—A. In October last.
Q. Did she come constantly to your house for ale, Mrs. Clarke?—A. She did, Sir, twice a day.
Q. Was your attention at all called to Miss Burns's appearance, Mrs. Clarke?—A. Yes.
Q. When was it first called to that?
A. I cannot exactly say.
Q. Did you observe any difference in her appearance?—A. I perceived her to grow larger.
Q. About what time did you first make that observation upon her person?
A. Sometime about Christmas.
Q. Now after that, from time to time, did you observe any thing about her size?
A. I perceived her still to grow larger.
Q. When was she last at your house before her death?—A. Within a week or ten days.
Q. You know she died on the twenty-first of March?—A. Yes.

Q. What was her appearance to you when you last saw her?—A. She appeared to be pregnant.

Q. From the observations you made, had you any doubt upon this subject, Mrs. Clarke?

A. I had not.

Q. The last time you saw her which you think was within a week or ten days before her death, how did she appear to you to be, in point of general health?—A. Pretty much as usual.

Q. What I want to know from you is—did she appear to be in health?—A. Yes.

Q. Comparing her size the last time you saw her at your house with the time you first made the observation at Christmas, was there any difference?

A. Yes.

Q. What?—A. She appeared a great deal larger.

Cross-examined by Mr. Topping.

Q. You began to keep this Public house in October?—A. Yes.

Q. You had no acquaintance with Miss Burns?

A. Only as a neighbour.

Q. Just so—you merely knew her as a neighbour coming to your house for ale, remaining while it was drawn, and then taking it away?

A. No more.

Q. You had no intimacy or acquaintance at all?

A. None at all.

Q. No—she remained I take it for granted when she came for the ale but a very little while, and then went away?—A. Yes.

ALICE TELLET, *sworn.*

Examined by Mr. Holroyd.

Q. Mrs. Tellet, I believe you are sister to the last witness, Mrs. Mary Clarke?—A. Yes, Sir.

Q. Did you know Miss Burns?

A. Not personally before the first time she came to my sister's.

Q. Tell us when that was?

A. I think it was to the best of my remembrance the beginning of September.

Q. Do you recollect the month, what time of the year was it?—A. The latter end of the year.

Q. How long was it before her death?

A. I cannot tell.

Q. How long was it before Christmas?

A. Perhaps two or three months.

Q. Was that at your sister's?—A. Yes.

Q. What before she kept the Public house?

A. No Sir, after.

Q. Did you observe her size at that time?

A. I did Sir.

Q. Did you observe any thing particular about her size at that time?

A. Yes, I thought she was pregnant.

Q. How long was it after your sister had taken the Public house?

A. She kept the Public house in October, and this was in September.

Mr. Holroyd. Then it could not be *after* that time you know—you say *September.*

Witness. "Oh true,"—I meant *November.*

Q. You, at that time, was at your sister's——you lived there then, I believe?

A. Yes, I did.

Q. Did she come for ale, there?—A. She did.

Q. Frequently?———A. Frequently.

Q. How long did she continue doing that?

A. Why, Sir, I don't know—I cannot justly say—perhaps about a month or six weeks.

Q. During that period, did you make any observations about her size?

A. I did: I perceived her to grow larger.

Q. When was the last time you saw her, Mrs. Tellet?

A. Why, I think it was about a week or ten days before she died.

Q. Did you frequently see her before that time?

A. Yes.

Q. Now, tell us what you observed as to her size?—A. I observed her to grow larger.

Q. What appeared to you to be the cause, as far as you could judge from observation?

A. Her being pregnant.

Q. What health did she appear to be in, up to that time?

A. Pretty well, only looking pale in the face.

Cross-examined by Mr. Scarlet.

Q. Did you know this lady?———A. No.

Q. Were you a resident in your sister's house?

A. Yes.

Q. From what time?—A. From August.

Q. What, in the public house?—A. Yes.

Q. 'Till what time?

A. 'Till now—I'm there still.

Mr. Scarlet. You said just now, she only took the house in October.

Witness. The public house, Sir.

Q. Then you meant the other house?—A. Yes.

Q. Had you any conversation with Miss Burns, at any time?

A. None at all, further than asking her how she did.

Q. No particular acquaintance?

A. No—I never spoke to the lady before.

Q. You had no acquaintance at all with her general state of health?—A. Not at all.

Q. You thought you perceived her to grow larger?—A. Yes, I did Sir.

JANE NICKSON, *sworn.*

Examined by Mr. Serjeant Cockell.

Q. Mrs. Nickson, I believe you are the mother of a witness that has been examined—the servant of Mr. Angus?——A. Yes.

Q. After your daughter went to live at Mr. Angus's, did you ever go there?——A. Yes,

Q. Have you had children besides your other daughter?

A. I have had twelve.

Q. Did you see Miss Burns?

A. Not the first time I went.

Q. No, but did you see her any time, when you was there?——A. I saw her twice.

Q. Did you make any remark, with regard to her size and person?——A. I did.

Q. What was that?

A. I thought she was pregnant, Sir.

Q. Had she the appearance of a pregnant woman?——A. Yes, Sir, if ever I had.

Q. Then it was your opinion that she was pregnant?——A. Yes.

Q. I believe you saw the corpse?

A. Yes I did.

Q. Do you remember any thing passing when Mr. Angus was present—was any observation made about the body?

A. No—nothing but about the salt.

Q. Well—that is the very thing I want to know?

A. The salt was to be laid over the stomach to take the swelling down—The body seemed——

Q. Then you say it was proposed to have some

salt laid over the stomach, to keep the swelling down?—A. Yes.

Q. Did Mr. Angus make any reply?

A. Sir, it was the Cook that was trying the salt. and she said there was not a pewter plate to put the salt upon, and Mr. Angus made answer and said there was a water plate; I remember nothing more but that he said he wished them to do all they could do for her.

Q. What was it that you were saying about the appearance of her person at that time?

A. I do not recollect saying any thing.

Q. Well, but when you spoke of the salt, you were mentioning some appearance of the body!

A. Why nothing Sir, only I saw her when she was alive, and when I saw her dead, I thought within myself what a state she had died in!

Cross-examined by Mr. Cross.

Q. You saw the corpse—now do you think she appeared then as large as before, during her life time?———A. Yes.

Q. Have you ever been present on a like occasion before, the laying out of a dead corpse?

A. Never except of my own children.

Q. Did you ever see salt used on such occasions?

A. Yes.

Q. It is no uncommon thing in such cases, I believe, is it?—A. No, I believe not.

Court. I thought you said you never was present on any such occasion?

A. I have seen my own children.

Court. Was any salt used then?—A. Yes.

Q. Then from the appearance of her person after her decease, you were of the same opinion that you were before, and thought she was then pregnant as she lay dead?—A. Yes, I thought so.

MARY PEAT, *sworn.*

Examined by Mr. Clarke

Q. Mary, did you live servant with Mr. Angus?
A. Yes, Sir.
Q. When did you go into his service?
A. It is about twelve months ago, Sir.
Q. How long did you live in his service?
A. Betwixt two and three months.
Q. Did Miss Burns live there at that time?
A. Yes, she did.
Q. Were you the only servant at that time?
A. Yes.
Q. Where was Miss Burns's bed room?
A. On the same landing as ours.
Q. Where was Mr. Angus's bed room?
A. Below.
Q. Now do you remember, during your service getting up one night?—A. Yes.
Q. What was the cause of your getting up?
A. I was awoke out of my sleep by a dream.
Q. Were you disturbed?
A. I could not sleep.
Q. Were you frightened or disturbed?
A. Yes I was frightened.
Q. Did you get up?—A. Yes.
Q. What time of the night might it be?
A. I cannot tell the hour.
Q. Was it dark?—A. It was moonlight.
Q. You went into Miss Burns' room, I think?
A. She was not there.
Q. How do you know she was not there?
A. She was not in the bed.
Q. Did you go to the bed side?—A. Yes.
Q. Who did you find, then, in her bed?
A. The two children were there.

Q. Did she sleep with the children?

A. With two, and one slept in the crib.

Q. Did you get up any other nights during your service?———A. No.

Court. Did you make any further enquiry about her?———A. No.

Court. Do you know whether it was night or morning?———A. No.

Court. What time did she usually go to bed?

A. I always went to bed the first.

Court. And how long you were asleep you don't know?——A. No.

Court. And, for any thing you know to the contrary, she might be sitting below in the parlour?

A. Yes, Sir.

Q. It was moonlight you say—but the hour you don't know?—A. Yes.

Q. Did you make the Bed the next day?

A. Yes.

Court.—What Bed—her Bed?—A. Her Bed.

Q. Well?

A. Two or three mornings I took notice that the bed had no crease in it.

Q. What no marks of a person having lain there?—A. No.

Q. Did you see the bed pressed down where the children lay?—A. Yes.

Q. How was the other part of the Bed?

A. High up.

Q. That you observed in a morning?

A. Three mornings.

Q. And when you made the bed you observed these appearances?—A. Yes.

Court. You saw the marks where the children lay?—A. Yes.

Q. How soon after that did you quit the servic?—A. Not long after.

Q. Did you go away immediately?

A. No I did not go immediately.

Q. Now did you take any candlesticks into the parlour at night?

A. Miss Burns generally took a brass candlestick and a tinder-box when she went to bed.

Q. Did she take them up stairs with her?

A. I never saw her take them up stairs—I always went to bed before her.

Court. Then how do you know she took them?

A. I took them into the parlour, and left them for her—I cleaned the candlesticks sometimes.

Q. What was the tinder-box for?

A. I suppose to strike a light with, for the use of the children.

Q. Now in the morning, where did you find the tinder-box?

A. One morning I found it on Mr. Angus's table in his bed-room.

Q. And the candlestick, where did you find that?

A. With the tinder-box, both together in his bed room.

Q. Where were they upon other mornings?

A. One morning I found it upon the stairs, and other mornings the tinder-box and candlestick were in the kitchen.

Q. Now, have you ever seen Miss Burns early in the morning coming out of any bed room?

A. No Sir.

Q. You have told us where the prisoner's bed-room was—did you ever see any body in the morning come out of that bed-room except Mr. Angus?

A. She used to go for milk to Everton every morning, and she generally went up into his bed-room before she went.

Q. Did you see her come out of his bed-room?
A. Yes.

Cross-examined by Mr. Topping.

Q. This moon-light night you were speaking of, you had gone to bed before Miss Burns and Mr. Angus, as you constantly did?—A. Yes.

Q. You were awoke by a dream which terrified you?—A. Yes.

Q. Why, with respect to going into Mr. Angus's room, there was no secret about that—did you see her take the children there?

A. I never saw the children there.

Q. But she used to go constantly before she went for milk?—A. Yes.

Q. Now as to this tinder-box, sometimes you found it in one place and sometimes in another?

A. Yes.

Q. And one morning you found it on Mr. Angus's table?—A. Yes.

Q. Whether Mr. Angus had taken it for any purpose, you cannot tell at all?—A. I cannot.

Q. Now as to this bed—you used to assist Miss Burns in making the beds?

A. She used to assist me, Sir.

Q. Well, she used to assist you—now, for any thing you know, she might have made up the bed, before you came into the room?

A. I don't know—perhaps she might.

Q. But you never said any thing to her upon the subject did you?—A. No, I never did.

Court. The two children lay in the bed with her, did they?—A. Yes, and one in the crib, Sir.

Court. There was no place in the bed separated for them was there?—A. No.

Court. They all slept together?—A. Yes.

REV. JOHN VAUSE, *sworn.*

Examined by Mr. Holroyd.

Q. I believe, Mr. Vause, you live in Liverpool?
A. I do.
Q. You are a Clergyman there?——A. I am.
Q. Now, Sir, do you remember, on Sunday, the 27th of March, calling at the house of Mr. Angus, the Prisoner at the Bar?
A. I do, perfectly.
Q. What time in the morning was it you called?
A. I called just before the morning service.
Q. Which begins about eleven, I believe?
A. A quarter before eleven.
Q. Did you see him then, Sir?
A. Not the first time I called.
Q. I believe you left a message that you would call again?——A. I did.
Q. Did you call again, Sir?
A. I did. Immediately after the morning service was over, I called again at Mr. Angus's house and saw him.
Q. Will you tell us what passed between you, Mr. Vause—what part of the house was he in?
A. He was in the small parlour on the left hand.
Q. Did you communicate to him some reports you had heard?——A. I did.
Q. Did you tell him what they were?
A. I did.
Q. Will you state them?
A. I told him that some very unfavorable reports were in circulation, as to the death of Miss Burns—and that I felt it my duty, having known him for so many years, to acquaint him with them.
Q. How long had you known him, Sir?
A. I believe before I left Eton; certainly for the last nine years.

Q. What did he say in answer to what you told him?

A. He said, not having any suspicion of the necessity, he certainly entertained no idea of the propriety of an investigation.

Q. Did he shew you any paper, Mr. Vause, that he said he had received?

A. He then gave me a paper, which was a note from Dr. Rutter.

Q. What did he say upon that?

A. He said, under all circumstances, it, perhaps, was as well—it was very fortunate he had then two servants—it might have happened when he had only one; and said that the proposed enquiry should have every facility that he could give it.

Q. Did you observe how he appeared at that time?

A. He certainly was affected very much.

Q. Did he discover that by any thing but his words?——A. I believe he was in tears, and he sighed deeply.

Q. Well, Sir, what further passed?

A. I believe, in the mean time, the servant came in to take the wash stand away; he was shaving and dressing when I went in; when she had taken them away, I asked him when this unfortunate circumstance had taken place.

Q. What did he say?

A. He said "on Saturday,"—the preceding day.

Q. The words, "preceding day," are your own words?——A. Yes.

Q. He said Saturday?—A. Yes.

Q. Did you say any thing on that?

A. My answer was—no, I understood it was on Friday.

Q. Any thing further?

A. The morning on which we walked together from the Athenæum.

Q. You said so, did you?—A. I said so.

Q. Did you say any thing else at that time?

A. He immediately rang the bell.

Q. Who answered the bell?

A. Nickson, the younger servant, I believe it was.

Q. What passed when she came in?

A. Mr. Angus asked her on what morning Miss Burns died? she said—on Friday.

Q. Did you observe how the prisoner was at that answer?

A. The prisoner was, as I before stated, considerably affected, and he said, "I am so bewilder'd and bedevil'd that I don't know what is come over me."

Q. Is that an expression you have heard him use on other occasions?—A. Very frequently.

Q. What did you say to him upon that?

A. I asked him how long she had been ill——

Q. But before that, did any thing further pass about her being with-child?

A. I stated to him that he must, indeed he did, know the nature of my call, which was certainly to give him an opportunity of vindicating his character to the world, and that I might be the means, I hoped, of vindicating that character—I asked him if he had any reason to believe that Miss Burns was withchild.

Q. Did you give him any reason for asking that question?

A. I don't recollect—I certainly should not have asked it, had it not been for the reports which were then in circulation.

Q. Did you so express yourself?

A. I told him, in the first instance, what reports were in circulation.

Q. But was it on that account only, or did you communicate to him those reports?

A. I did, in the first instance.

Q. What did he say in answer to that question?

A. He said he had not any idea that she was with-child.

Q. What then, Mr. Vause?

A. I asked him how long she had been ill.

Q. What did he say?

A. He said, since Wednesday.

Q. Did he say any thing further then?

A. He said he never thought her in danger, for if he had, he certainly should not have gone to Mr. Bigham's on the Thursday.

Q. Is Mr. Bigham related to him?

A. I believe so:——And at the same time, in a most affectionate manner indeed, he said "poor thing! she lay upon the sofa, there;—I never hurt her by will, thought, or deed." I said I thought not; and from what had passed, I believed not—that it I had thought otherwise, I would not have come there for the world.

Q. Did you ask him any other question then?

A. I asked him what her complaint was.

Q. Did he tell you?

A. He said a violent vomiting and bowel complaint.

Q. Any thing further said then?

A. I said might it not be probable, it certainly was possible, that she might have been quacking herself, or taking some improper medicine.

Q. What did he say to that?

A. He said it could not be.

Q. What then, Mr. Vause?

A. I ought to state the reason why I asked the question—I mentioned to him that I knew he had a medicine-chest in the house.

Q. When he said that could not be, was any thing further said?

A. I asked him if he himself had given her any, and his reply was, "she had a black puke; seven drops of laudanum, one night; and ten drops of laudanum another."

Q. Can you recollect the very expression he used about the black puke?

Q. The words were that she had a black puke and seven drops of laudanum one night, and ten drops another.

Q. Now repeat your question to him if you please?

A. I asked him if he himself had given her any medicine.

Q. He himself having said before that it could not be the case that she had taken any thing herself?—A. Yes, that I have before stated.

Q. Well Sir—did you ask him about medical advice?

A. I asked him if he had called in any assistance—he replied he had offered to do so—Mr. Park, or Dr. Traill.

Q. Who is Mr. Park?

A. A surgeon of great eminence in Liverpool; and who, I understand, has always attended the family.

Q. Did he say what she said when she declined that offer?

A. He said he had offered to call in Mr. Park, or Dr. Traill, but that the deceased declined it, alledging, that they could do her no good.

Q. I believe you came to his house again in the afternoon of the same day?—A. I did, Sir.

Q. About what time was that?

A. I think it must have been betwen two and three.

Q. And what room was he in then?

A. In the same room in which I had left him.

Q. Do you remember the Cook coming in and doing something to the fire?

A. The cook came in, and I think, as she was brushing the hearth, she muttered to herself, hearing footsteps of people over-head, that they were making too much of it, it was quite needless.

Q. The Prisoner was then present?

A. He was.

Q. Did you make any observation upon that?

A. I felt indignant at the remark, and told her that nothing could be needless when the innocence and the honour of her master were so nearly and so tenderly concerned.

Q. Did Mr. Angus say any thing then Mr. Vause?

A. He said to the cook; you remember that I went out several times that morning.

Q. Was the morning mentioned?

A. No, it was not.

Q. What did the cook say?

A. "Several times—seven or eight."

Q. What was said then?

A. I went out, he said, whenever it was necessary.

Q. Did he say any thing more?

A. He directed the cook to tell me what she knew about the business.

Q. What did the cook say?

A. She said, when she came down in the morning, about six o'clock—

Q. Did she mention what morning?

A. No—she did not think Miss Burns was so

well, for she did not go into the kitchen and stir about as usual.

Q. Did she say any thing farther, Sir?

A. She said, that she complained of excessive thirst, and that she had asked for some beer.

Q. I believe you made some observation upon that, tell us, if you please, what it was?

A. I did—I asked her whether she thought it proper to give her beer at that time in the morning, and whilst Miss Burns was laboring under the complaints which I understood she did.

Q. What did she say in answer to that?

A. She said, she had given her beer and plenty of gruel besides.

Q. What further did she say?

A. She said that for her own part she never thought her so very ill; The other servant all along had said she thought she never would get better, but she herself had thought otherwise.

Q. Did any thing more pass before she left the room?

A. I don't recollect that there was any thing else.

Q. Now when she had left the room, did you make any remark to the Prisoner about any utensils you observed in the room?

A. I observed nothing in the room.

Q. Will you tell us what more passed?

A. I observed to him—"it is a singular expression, the word necessary"—(This I said, alluding to his remark that he had left the room when it was necessary) and he said that whenever delicacy required him to leave the room he had done so.

Q. Did he say any thing further then of what she died?

A. He said, he made no doubt that she was retiring into the other room having seen him asleep

that she did not wish to disturb him, and that she was going from delicacy into the other room, for the chamber pot was beside her.

Q. Before he had said that—did he say of what she had died?

A. He said, that he supposed she must have died in a fit—that her complaint was the fluor albus, under which she had long laboured, and which had weakened her excessively.

Q. Now in the course of that afternoon did you ask him any thing about the black puke?—A. I did.

Q. Will you tell us what it was?

A. I asked him what he meant by puke.

Q. What was your expression, do you recollect?

A. I asked him what he meant by the black puke, I believe.

Q. What did he say in answer?

A. He said vomit.

Q. Then did he do any thing?

A. He went to a small Book-case that was in the room, and took down an English book which I think was a translation of the Edinburgh Pharmacopæia, and he said he did know, or ought to know the composition and decomposition of medicine.

Q. What did he say further then?

A. He said, the preceding week, that she had complained of being ill, and that he had given her some Tartar emetic—that he had given the servant girl also some, the same night, but that it did not take effect; as he supposed, because he had had it a long time in the house.

Q. Did any thing more material pass?

A. I don't recollect that it did.

Q. Now, when did you see him again?

A. I saw him on the morning of the following Tuesday.

Q. You called upon him, I believe, at his house?

A. I did.

Q. Did you say any thing to him about his servant's examination?

A. I said, I understood that his servants had stated, that he was not out on the Friday morning, and I called to his recollection, a conversation which had taken place between us that morning—he said, "you are perfectly right, (as to the conversation, I mean) but might it not be Thursday."

Q. What did you say to that, Mr. Vause?

A. I said, I verily did believe, and most solemnly did believe that it was Friday morning, but that I would not take upon myself to swear it.

Q. That you told him?——A. Yes.

Court. I don't see the application of this.

Mr. Serjeant Cockell. My Lord, I will state it—Your Lordship knows it was proved, that he was in bed from six in the morning till nine, on Thursday—now, the Prisoner himself, has cross-examined, to shew that he was not out on the Friday, but that it was on the Thursday.

Q. Whether it be Thursday or Friday morning, Mr. Vause, what time in the morning was it, that you met him?

A. It was before breakfast; we returned, I dare say, before eight to our own houses.

Q. Was it at the Athenæum you met him?

A. Yes, I met him at the Athenæum, and walked home with him—we had very frequently done so.

Q. How long might you be together, that morning, in the whole?

A. I suppose, not more than a quarter of an hour.

Q. Can, or can you not, now, from any circumstance fix the morning?

A. From a variety of circumstances, which I have learned from others I can, but from myself, I would not take upon myself to swear that it was Friday morning, but I am possitive it was not Thursday.

Q. Why are you positive that it was not Thursday?

A. I had not been out on Thursday morning, for I had not been very well in the course of the night.

Q. Did you say any thing to him about the medical investigation?

A. I told him, I understood from the examination, that there was no doubt but that a fætus must have been very recently extruded from the uterus?

Q. What did the Prisoner say to that?

A. He said that it was very unaccountable; that he himself was very ready to be examined, whenever they would call upon him; and that they had his servants to examine, who could tell them whether they had either heard or seen a child in that house.

Q. Any thing else, Sir?

A. They might have her clothes there, for their inspection—he had concealed nothing, nor did he mean to do it.

Q. Did you make any remark to him about the size of Miss Burns?

A. I said I understood that Mr. Cheyne had been drinking tea with him a few days before, and had remarked that Miss Burns was very large.

Q. What did he say?

A. He said it was very true and that his Brother-in-law Mr. Bigham had remarked it also.

Q. Any thing further about Mr. Bigham?

A. I don't remember that he said any thing

particular about him more than that he had remarked it also, adding that he had mentioned it to Miss Burns himself.

Q. Did he state to you her answer?

A. He said she had complained very much of cold, and that she imputed her increase of size to the manner in which she had plaited her flannel petticoat over her waist.

Q. Did you make any remark upon that being different from what he had told you before?

A. No, I did not.

Q. Did you say any thing to him then about the black puke?

A. Yes, I did—I said I was very uneasy lest I might have misunderstood him about the black puke, and I requested him to explain himself.

Q. What did he say?

A. His answer was, he meant to say not that the puke he had given was black, but that the contents of the stomach which she had thrown up, which were either first black and then green, or first green and then black, I don't exactly recollect, and added—that he had given her that morning some Castor oil in some spirit, which had come up immediately—He said, that what he had given her was in the preceding week; and that he meant by the black puke, the contents of the stomach which had been thrown up—

Q. Then if I understand you right he explained himself as having meant, not that the puke which he had given her was black, but that the contents of the stomach which she had thrown up were black?—A. Yes.

Q. And that he had afterwards given her some Castor oil?

A. That he had given her, that morning, some Castor oil in spirit.

Q. That was the only emetic?

A. The emetic I before mentioned—the tartar.

Q. And *that*, he had given her the week preceding her death?

A. Yes, the same night that he had given it to the other servant.

Q. You said, he mentioned he had given her a little Castor oil in spirit *that morning*; which morning do you mean?

A. I understood the morning of her death.

Q. What was the expression?

A. That he "had given her some Castor oil that morning,"—so I understood. I will not be positive as to his saying "that morning," but he certainly said he had given her some Castor oil in spirit, which had come up.

Q. Can you say that he possitively mentioned, when he had given her that?

A. To the best of my recollection it was that morning.

Q. And it came up immediately?

A. It came up immediately.

Court. He did not say what the first emetic was that he had given her the week before?

A. Yes my Lord, some tartar emetic.

Mr. Holroyd. He gave her the preceding week some tartar emetic, and on the morning of her death, as the witness conceives, he gave her some Castor oil in spirit.

Cross-examined by Mr. Scarlet.

Q. You say you have known Mr. Angus for nine years at least?—A. I have.

Q. Had you been in the habit of visiting him, shortly before that period you have been speaking of?

A. I had not been in his house for several months, but I was much in the habit of seeing him.

Q. Did you know the lady, Miss Burns?

A. I did.

Q. The first time you called on Mr. Angus was on the Sunday?—A. It was.

Q. You stated that at that time, when you introduced the subject of Miss Burns's death, he appeared to be in great agitation, and great confusion?

A. In a most affectionate agitation, if I may so express myself.

Q. Did it seem to you, that the agitation he seemed to suffer, was from an affectionate regard for her?—A. It did.

Q. His expressions concerning her, were of the tenderest sort—full of tenderness and regard for her?—A. They were.

Q. You have mentioned the circumstance of your differing about the day on which Miss Burns died, whether it was Saturday or Friday, and that he rung the bell for the servant, to ask her what day she died. Now don't you recollect, Mr. Vause, that before he said she died on the Saturday, he at first said it was on the Friday.

A. I believe he *might* say so.

Q. And then on your saying that it was on the morning you were out together, don't you recollect that he said—no, it was not on the morning that I was out?

A. No, he did not say that—but a doubt arising as to the morning, he rang the bell and enquired of the servant.

Q. And the doubt was whether it was upon the morning that he was out with you?

A. The doubt was, whether it was Friday or Saturday, in his mind.

Q. Now, there were two servants in the house, who knew the morning on which she died?

A. Of course.

Q. Then, Mr. Vause, he never could have meant to deceive you as to the day she died?

A. I am sure he did not.

Q. Therefore I would ask you, at that time, supposing him to have made any mistake as to the day, whether you could possibly impute it to any design to deceive you?

A. Not in the least.

Q. And with respect to the Friday, you state that although you believe that was the day you met him at the Athenæum, yet you will not take upon yourself to swear it?—A. No.

Q. Now, Mr. Vause, might it not be on the Wednesday—will you take upon yourself to say that it could not be on the Wednesday.

A. It could not.

Q. Now we'll suppose it might be on the Friday; supposing that to be the case, it must have been between seven and eight—I will first ask you if that was the usual time of your meeting at the Athenæum?—A. Most generally.

Q When you did meet him there, did he stay the usual time?—A. I fancy he did.

Q. Did you perceive in his manner, in his conversation, or in his appearance, any thing different from his ordinary address?

A. I certainly did not.

Q. Now, as you and he, Sir, were in the habit of meeting there frequently in the morning, do you not conceive it very possible, that in the agitation of mind he was afterwards in, that he might have been out and not recollect it?

A. It is very likely.

Q. As you know Mr. Angus, perhaps you know the circumstance of his brother having been shortly before deranged in his intellect?

A. I do.

Q. Do you not know that that had produced in him a considerable agitation of mind?

A. I know that it had distressed him exceedingly.

Q. You went, Mr. Vause, with considerable anxiety to Mr. Angus's house to hear all the circumstances attending this melancholy affair?

A. Not from an idle curiosity, Sir, but I went knowing Mr. Angus, and conceiving that reports might be maliciously raised against him. I felt it a duty which I owed to him from so long an acquaintance, to rescue him, if possible, from so foul an imputation, and I thought no time ought to be lost for that purpose.

Q. Well, Sir, I have no doubt that such were your motives—now I would ask you, Sir, from the whole of the conversation you have had with him—taking into consideration the agitated state of his mind, produced by the variety of causes alluded to—whether the whole intercourse you had with him, was not of such a nature, as to confirm and establish you in the idea you entertained of his integrity?

A. I certainly then, on Sunday morning, left the house with the most full assurance of his innocence, and I believe stated, as I left the house that I did so.

Q. Now we come to the period—Sunday afternoon, when you saw the Cook in the parlour—in your first examination by my learned friend, when you were stating the conversation which then took place, you made use of the expression, " you know I went out as often as was necessary,"—by

that, I take it for granted, you meant to say out of one room into another?—A. Exactly.

Q. You don't understand him to have said that he had ever given her more than one emetic?

A. No.

Q. And that was the tartar emetic that was given the week preceding her death to the maid servant?—A. To the maid servant.

Re-examined by Mr. Holroyd.

Q. You were mentioning that it could not be upon the Wednesday morning, that you met him —why could it not have been on that morning?

A. I was not out, either on Monday, Tuesday, Wednesday, or Thursday, before breakfast.

Q. Are you sure of that?

A. I am sure of that.

Q. When he mentioned her having taken a black puke, what was the expression—?

Mr. Scarlet. My Lord, I must really object to this—I have not cross-examined about that, and the question is, therefore, irregular.

Court. You have made so much confusion, between the black puke, the emetic, and the tartar, that I declare it is almost unintelligible.

Mr. Scarlet. Why, my Lord, if there is any doubt upon that subject, I should certainly wish to have the privilege of enquiring into it, in my cross-examination.

Mr. Vause. He never in the morning made use of the word "take."

Court. Did you understand it so at the time, that she had taken it?

A. I understood it so at the time.

Mr. Scarlet. Q. Do you mean to say you had a doubt about it?

A. I certainly had afterwards.

Q. And I believe he told you, he meant the contents of the stomach?

A. That was on the Tuesday morning.

Q. Now, Sir, you have stated to us, a little while ago, that he was on the Sunday, when you called upon him, in a state of considerable agitation, and from the manner you have described it, I suppose he was in great perturbation?

A. He was certainly.

Q. Now, Sir, I will ask you, whether in the state of mind in which he was, you conceive him to have expressed himself in so clear, and intelligible a manner, as to leave no doubt upon your mind as to what he meant—

A. By no means—for had that been the case, I should not, of course, have made any further enquiry.

Court. Mr. Vause, I am not quite sure whether I understand you right, in this conversation, about the emetic—There was an emetic given to somebody, the preceding week—on the Saturday—who was that given to—to the deceased, or to the maid-servant?——A. To both, my Lord.

Court. Then, afterwards, on the day Miss Burns died—he said, he had given her some Castor oil in spirit, and that that came up?

A. Yes, my Lord.

Court. Then what he meant by the black puke, has never been explained yet, unless he meant to refer to the emetic tartar?

A He explained it, as referring to the contents of the vomiting.

Court. What produced by the tartar, or by the Castor oil? The Castor oil, I suppose, is not properly an emetic—when he spoke of a black puke,

was he referring to what was discharged, on the morning of her death, or to what was discharged a week before?

A. I understood what he meant, when he explained himself on the Tuesday; that by the black puke, he meant the contents of the stomach, during her illness, that they were black.

Court. Well, now I think I understand you.

DR. GEORGE COLTMAN, *sworn.*

Examined by Mr. Raine.

Q. Dr. Coltman, you are a Physician at Liverpool?—A. Yes, Sir.

Q. Do you remember being called upon to attend the wife of the Jailor at the Borough Jail in Liverpool?

A. The wife of the Jailor had been my patient some time before my last visit, which took place after the imprisonment of the prisoner.

Court. When was your last visit, Sir?

A. About the 30th March, I think, my Lord.

Q. The prisoner was then in custody, Dr. Coltman?

A. He was—I accidentally saw him in the little room that looks out to the street from the prison.

Q. Had you been previously acquainted with him?—A. Yes, Sir.

Q. Did you enter into conversation with him?

A. After the usual salutation, and enquiry about his health, I informed him that a horrid impression had been made on the minds of the Public, by an event, my Lord, that had lately taken place in his family; to which he replied, "I am innocent, and as my own servants have said nothing against me, why am I detained here—why am I not confronted

with my enemies?" My reply to that, was, my Lord, "you will have it in your power to put such question or questions, as you may think proper to them, before you are either committed or released."

Q. Did you say any thing to him about what was stated to be the cause of the death of the deceased?

A. "It is said," I observed to him, "that Miss Burns, the deceased, has been poisoned, and that she had a child, and that strong marks of her being poisoned were exhibited in the stomach," and also, my Lord, that "there were indubitable proofs, from the examination of the Uterus, of recent child-birth —to which, my Lord, he answered—"Sir, with respect to the first, I never gave her any thing stronger than Castor oil, which could not poison her, and as to her having had a child, that is impossible, for she was always an object of my very great care, attention, and assiduity."—These words were very strongly impressed upon my mind at the time, very strongly.

Q. Did he say, why it was impossible?

A. Because she was always an object of his very great care, attention, and assiduity.

Q. Was any thing else said besides that?

A. Nothing that I recollect—"Did you call in any of the faculty, Sir," I said, "in order to prevent suspicion, and to remove all responsibility from yourself?" His answer was, "I frequently desired her to have somebody," and I think he mentioned "Mr. Park and Dr. Traill"—if I mistake not, these were the two; but "that she always replied, or said, I will not have any body, for what good can they do me,"? or, for "they can do me no good," I believe, my Lord, was the exact expression.

Q. Do you remember, at that time, his saying any thing about his children?

A. Yes, Sir—As for his children, on the subject of medicine, he said he never gave them more than a grain or two of Calomel at a dose.

Q. Do you remember at that time his saying any thing on the subject of sleeping?

A. I remarked to him, "you have told me that you don't sleep well," and I think he replied, "lightly or slightly for a considerable time past." "How happened it then," I said "that they were under the necessity to shake and to jolt you, in order to awake you when the servants found you in the apartment of the deceased.

Q. What was his answer?

A. "I cannot say—I cannot account for it," was his answer.

Q. We are told Miss Burns died on the Friday—on that Friday did you see the Prisoner at the Bar?———A. I believe I did.

Q. At what part of the day, and where?

A. At the usual time, a few minutes before seven o'clock, before the steps of the Athenæum.

Q. In the morning?

A. In the morning; when the Prisoner, my Lord, took me by the hand very heartily.

Q. What is your reason for believing it was Friday morning?

A. Because the day following, when I was at Mr. Loxham's house, the report of what had happened was mentioned, and—

Court. That conversation enables you to fix the day?—A. It does, my Lord.

Q. Are you sure of this, Dr. Coltman, that the morning before you had this conversation with Mr. Loxham was the morning on which you had seen the Prisoner?——A. I do believe it.

Q. A little before seven ?——A. Yes.

Q. At what hour is the news room opened ?

A. It is regularly opened at seven in the morning, and as regularly closed at ten at night.

Q. Do you frequent the news room ?

A. Yes, Sir, I was one of the first of the proprietors.

Q. Then give me leave to ask you, Sir, whether it ever opens a little before six ?

A. No, Sir, never.—I myself have been on the committee, and have always strenuously endeavoured to defend the rights and privileges of the Master of the Coffee Room.

Mr. JAMES CHEYNE, *sworn.*

Examined by Mr. Serjeant Cockell.

Q. Mr. Cheyne, I believe you are a merchant in Liverpool ?

A. I am an Insurance Broker.

Q. You have known the Prisoner at the Bar, I am informed ?———A. Yes.

Q. Have you been in habits of intimacy with him, at all ?——A. Yes.

Q. So much so as to have dined at his house ?

A. Yes.

Q. Did you know the deceased in her life time ?

A. Yes.

Q. Do you remember, Sir, at any time shortly before her death, and how long before, dining at the Prisoner's house when Miss Burns was there ?

A. About a week or ten days before her death, I drank tea there.

Q. Had you known Miss Burns for some time before ?

A. Yes.

Q. How long had you known her, Sir ?

A. Some years before.

Q. Now, having known her some years before, did you observe any thing in her appearance that attracted your attention?

A. She appeared to me to be larger than usual.

Q. In her person?——A. In her person.

Q. Did it lead you to any conclusion?

A. It lead me to suppose she was with child.

Q. At that time?———A. Yes.

Q. Altered from her former state?—A. Yes.

Q. Did you conceive how far she might have been gone?

A. No, I did not form any opinion of that.

Q. Do you remember being in company with the Prisoner some months ago, when there was a conversation respecting a lady at Liverpool?

A. About the end of last year.

Q. What was the purport of that conversation?

A. Respecting a young lady, that had gone to the Isle of Man.

Q. Was it supposed that she had gone in a state of pregnancy?—A. It was.

Q. What observations were made upon that circumstance?

A. Mr. Angus said the man who was guilty of such a thing, had acted very improperly.

Q. In what did you understand him to mean, that he had acted improperly?

A. In having got the lady with child.

Q. What did he add then?

A. He supposed it was possible to have given her something, I understood him to say, to carry it off.

Q. What did he say more?

A. He said, if she was a woman of that kind, she might have been pleased without exposing her character.

Q. What reply did you give to that, Sir?

A. Supposing he meant something to be administered to carry the child off, I said that I should have conceived it murder.

Q. Did he make any reply to your observation?

A. He said those things were generally done under the idea, or at so early a period, that it was not supposed to have life.

Cross-examined by Mr. Cross.

Q. Was there any body present at this conversation besides yourself, Sir?—A. No, Sir.

Q. And it was sometime ago?—A. Last Year.

Q. You thought no more of this conversation, till you heard of this matter?—A. No.

Q. It was not a serious conversation between you and him?

A. I did not think he meant any thing of the kind.

Q. He said the man, that could bring the lady into the condition that was represented, must have been a villain?—A. Yes.

Q. Now, you were speaking of the young lady—you have known her, and drank tea with her in the house, and of course have observed her person, I believe she was very pale and sallow?

A. Always was so.

JEREMIAH STEELE, *sworn.*

Examined by Mr. Holroyd.

Q. Mr. Steele, I believe you are a Miniature and Portrait Painter at Liverpool?—A. I am Sir.

Q. How long have you been acquainted with the Prisoner?—A. About a year and half.

Q. Do you remember supping at Doctor Traill's house at Liverpool, one evening last winter, when Mr. Angus came in?—A. I do.

Q. Do you recollect the time?

A. It was some time about Christmas, I don't know the time exactly.

Q. Whether it was a little before or after?

A. I cannot tell that.

Q. Was Doctor Traill shewing you any books of Anatomy at that time?—A. He was.

Q. Was there any drawing of female figures?

A. There were.

Q. Did the prisoner look at them?—A. He did.

Q. Did he make any remark when he looked at them?

A. He said that he was skilled in Anatomy and Physic.

Q. Did he say any thing about Surgeons of African ships?

A. Yes—he said he had instructed several young persons, had made them doctors, and had got them situations on board of African ships.

Q. Do you remember a particular drawing of a dissection?———A. I do.

Q. Of what part?——A. Of the womb.

Q. Did the Prisoner at the Bar look at that?

A. He did:—he said "if I touch a certain part, namely, the mouth of the womb—"

Q. Did he say with what?

A. No, he did not mention the instrument—— he said by touching a certain part of the mouth of the womb, it would cause an abortion.

Q. Dr. Traill, I believe, was looking then at some other figures?———A. He was.

Q. On that observation being made by the Prisoner, did Dr. Traill say any thing?

A. Dr. Traill looked upwards with astonishment that the Prisoner should know it.—He said it was a secret given to him in a most secret way,

and that they were sworn never to use it but in a case of necessity, to save a patient's life.

Q. Did the Prisoner say any thing farther about having communicated it to any one?

A. He said he had told one of those young men that he had sent out with an African ship the secret.

Court. I thought Dr. Traill observed it was a secret?

A. Yes, my Lord, he did, and expressed his surprize that Mr. Angus should know it.

Q. Was it in answer to that that the Prisoner said he had taught it to some young man?

A. No, I rather think he directed his discourse more to me than Dr. Traill, and said he had taught the secret to one of those young men, and that he believed he had made an improper use of it.

Cross-examined by Mr. Topping.

Q. This, I suppose, was a sort of subject which you, as a portrait painter, know nothing about?

A. Certainly.

Q. Men who turn their minds to medical pursuits don't consider it as a great secret.—Perhaps you don't know how that is?

A. Dr. Traill expressed himself so.

Q. Now, though Mr. Angus mentioned this, he condemned the use of it, did he not, saying he had taught it one of the young men whom he had sent on board an African ship, and he believed he had made an improper use of it?—A. Yes.

Q. This was a conversation which took place without any reserve, between you and him, meeting together in the evening, at supper, and Dr. Traill shewing you some figures, the conversation on this subject was introduced in the way you mention?

A. Yes.

MR. HENRY GLOVER MOORE, *sworn.*

Examined by Mr. Raine.

Q. How long have you known the Prisoner?

A. I can't positively say how long,—four, five, or six years.

Q. Were you in the habit of visiting him?

A. I was.

Q. Did you know Miss Burns?

A. Yes, she was half sister to Mrs. Angus.

Q. Do you recollect some time ago, so long ago as two or three years, having any conversation with the Prisoner at the Bar, upon the subject of a lady, said to be gone to the Isle of Man?

A. I do.

Q. How long ago?

A. I cannot state how long, about two or three years, perhaps more.

Q. State the conversation that took place between you and the Prisoner?

A. I cannot state all the conversation, I can only state the substance of it.

Q. Was any mention made of her pregnancy?

A. I have no doubt there was, of her supposed pregnancy.

Q. Yes—and upon that what did he say?

A. That he thought they had made the matter too public, and that it might have been got over much easier without, at home.

Q. How?

A. I supposed, by a miscarriage, but it is so long ago, that I do not recollect precisely what was said.

Q. Now, do you remember about a twelvemonth ago, having a conversation upon the same subject with him?

A. Within a twelve-month.

Q. What was the subject of your conversation with him then?

A. We were walking from the Athenæum towards home, and the conversation turned upon the pregnancy of another young lady, who was said to be gone to the Isle of Man.

Q. Now, what did he say upon that?

A. That if she had come to him, that "he could have kissed her (I am not sure whether he made use of the word kiss,) and could afterwards have got her rid of her burden, without being so public a disgrace to her friends, and at less expence."

Q. Did he then say how this burden was to be got rid of?—A. By miscarriage.

Court. Did he say so?

A. From what I could gather; it is so long ago, that it is morally impossible I can recollect the conversation exactly, for I never expected to have been brought here about it.

Q. Now, Mr. Moore, do you remember in August, last year, being out rather late one night? you were returning, I believe, from a late party?

A. I was.

Q. At what time were you returning home?

A. From twelve to one.

Q. About twelve at midnight, you mean?

A. Yes.

Q. Was it moonlight?——A. Yes.

Q. Was it very bright?——A. Extremely.

Q. Now, was your road home by Trinity Place?

A. It was on one side of Trinity Church yard.

Q. And going home, did your road pass the Prisoner's house?

A. It was in an oblique direction, so I could see the Prisoner's house, the front of it perfectly plain.

Q. Was your attention at all called to the parlour window?——A. Yes.

Q. How was it?

A. The lower sash was up, and the blind also open.

Q. Could you see any one moving within?

A. At that time, I thought I saw somebody, but I was not quite sure; I then turned back, and went down a passage that goes at the back of his house, and also of Mr. Lawson's.

Q. Did you then pass the Prisoner's house?

A. I then passed the very front of his house.

Q. Had you then a complete view of the parlour window, that was open?

A. A complete view, as I came to the very front of it, within four or five yards where they were sitting.

Q. Did you see any one there?

A. I saw the hair of a persons head the moment when I came to the door, close to the place where the window was open; and on my passing Mr. Angus raised his head.

Q. Could you then distinctly see who it was?

A. I then saw Miss Burns, and Mr. Angus, sitting close together.

Q. Describe the situation in which you first saw them?

A. I merely saw his back first.

Q. But how was his head with respect to her's?

A. Their faces to each other—I was not so near as to see whether they absolutely touched, but I have no doubt in my own mind, he was giving her a kiss.

Court. You are to tell us what you saw, and what you can speak to *positively*, not what you have any doubt about.

Q. Did you observe his arm?

A. His right arm was either upon her shoulder or bosom.

Q. Do you mean round, or how?

A. It was round—his right arm was upon her right shoulder or breast.

Q. Round her neck?——A. Yes.

Court. Were their faces close together?

A. I cannot speak to that, my Lord.

Q. Now, a few days before the death of Miss Burns, did you happen to go to the Prisoner's house?

A. Not a few days before—it was at the latter end of February.

Q. Are you sure of that?——A. Yes.

Q. Did you go into the house?

A. I went into the house.

Q. Was the prisoner there?——A. Yes.

Q. Did you go into the parlour with him?

A. I went into the parlour with him.

Q. Did you see Miss Burns there?

A. I saw Miss Burns there.

Q. Did you observe her figure?

A. I did, most minutely.

Q. Upon that minute observation, what struck you?

A. That she was in a state of pregnancy.

Q. Did she go to the Cupboard?—A. She did.

Q. Was her arm raised at all?

A. I believe both.

Q. Then you had an opportunity of observing her body?

A. I had, more plainly than before.

Q. What was the appearance?

A. It confirmed me still more strongly in my former opinion.

Q. Of her being in a state of pregnancy?

A. Yes.

Q. What state of health was she in at that time?

A. Extremely good.

Q. And her spirits?——A. Very good.

Cross-examined by Mr. Cross.

Q. You thought her in extremely good health at that time?——A. Extremely good.

Q. Better than you had seen her before?

A. Full as well.

Q. She did not look at all pale.

A. She looked rather florid; it was just after dinner.

Q. She looked florid, occasioned you thought by her dinner?

A. I thought so at the moment.

Q. That made her look so extremely well?

A. Perhaps it might.

Q. Now, did you observe any thing in her figure except that her waist was rather large?

A. I thought she was larger in front than I had ever seen her before.

Q. Are you a married man?——A. I am.

Q. Not a medical man?——A. No.

Q. So the window was open—the blind removed—a fine moonlight night, and both exposed to the view of yourself, and any other person that passed that way?—A. Yes.

Q. Any candles in the room?—A. No candles.

Q. What did you mean by the window being open?—A. That the sash was up.

Q. And a window which looks into a public street?

A. It is not exactly so—there is the church which—

Q. But it was exposed to the view of you, who were passing, you say, at a considerable distance?

A. I saw it at a considerable distance—I was suspicious that somebody had got into the house, and I went round to see whether it was the case or not. I thought the watchman had been extremely negligent, and that was one reason why I went round.

Q. Now, as to what he said about a lady at the Isle of Man, either in the first or second conversation you don't distinctly recollect?

A. I cannot speak positively to the words he made use of, but only to the substance of the conversation.

Q. Well then—you don't recollect it?

A. Oh, I never forgot it, it made a strong impression on my mind?

Q. Yet, strong as the impression was, you don't exactly recollect the particulars of the conversation?

A. I cannot recollect the words—but I can well remember that it was about a lady, and that he intimated she might be relieved from her burden.

Q. But by what means, you won't take upon you to state?

A. He did not mention any means.

REV. JAMES GILDART, *sworn.*

Examined by Mr. Clarke.

Q. Mr. Gildart, you have known the Prisoner, Sir, for some years?

A. I have, Sir, had a knowledge of him, but not an intimate acquaintance with him.

Q. Do you remember, Sir, having a conversation with him some time ago, respecting a lady, whether she was married or not?—A. Yes.

Q. Now Sir, when was that conversation?

A. It was, in the year 1804, as near as I can fix it, by some other circumstances.

Q. Now, Sir, be so good as to tell us, what that conversation was?

A. The conversation turned upon a supposed concealed marriage—I said clandestine marriages were not safe, for that in a short time they might produce fruits.

Q. What was his reply to that?

A. His reply was, that he was studying medicine, and he could assure me that those kinds of effects might be prevented. I don't know the words, but I clearly understood that to be his meaning—I cannot inform you the precise words which he used.

Q. Can you tell the substance of them?

A. That he had studied medicine, and could assure me that those kinds of effects might be prevented.

Q. Now, Sir, what did you say upon that?

A. I replied, that such conduct was worse than murder. I do not recollect what he said more, but he added something in a general way, about the study of medicine.

Q. You say—he said something more about medicine speaking in a general way, but you cannot recollect precisely what it was?—A. No.

Cross-examined by Mr. Topping.

Q. This was, I think Mr. Gildart, four years ago, in 1804, that you had this conversation with Mr. Angus?—A. Yes.

Q. You introduced this subject about clandestine marriages, and remarked that you thought they were not safe, as a short time might lead to a discovery—and his answer, you say, was, that he was studying medicine, and that as matter of science, he could assure you, those effects might be prevented?—A. Yes.

Q. He told you that as what he had gathered from the science he was studying?— A. Yes.

PETER CHARNLEY, *sworn.*

Examined by Mr. Serjeant Cockell.

Q. Mr. Charnley, I understand you formerly lived at Liverpool?—A. I did Sir.

Q. You live now elsewhere?

A. I live at Liverpool in the winter.

Q. You have retired from business?

A. I have, Sir.

Q. When you lived at Liverpool, was you acquainted with the Prisoner at the Bar?

A. Yes, I was.

Q. Was you intimately acquainted with him?

A. Some years back—rather intimately.

Q. Now have you ever had any conversation with Mr. Angus upon particular subjects?

A. Yes, Sir, we were intimate—and as his Counting-house was over mine, when I had a leisure hour I used to go and chat with him.

Q. You must inform us the subject of these conversations?

A. A variety of matters—but upon one occasion the subject turned upon girls being withchild.

Q. Now, Sir, relate, without my asking you, what passed?

A. He told me he knew how to prevent it—that he had an instrument which he would shew me, which, by introducing into the womb, and letting in the air as he termed it, would prevent the child coming forwards—as I understood.

Q. Did he say so?

A. I understood it to be in that way.

Q. Did he shew you any instrument?

A. He did.

Q. Could you, if you saw any thing like it, recognize it?

A. I perhaps might—I could describe it in my own idea—it made a very great impression upon me at the time; it was a long tube, I think silver; a slide ran through it, at the end of which was a three-edged dart, very sharp.

Q. Well—and that instrument, used as you have said, would do that?

A. I don't remember any thing that he said to me when I looked at it—I only just took it in my hands and looked at it——I observed, that to do such a thing was a great sin—he replied, the sin lay in taking away life, but not in preventing it. That is all I know.

(An Instrument is handed to the Witness).

Witness. It was something like this, but you will observe, Gentlemen, that being many years ago, though it made a strong impression upon me, yet as I never expected to be asked any questions in this place, relative to that conversation, I cannot pretend to state every thing that passed. It is a painful task to me, a very painful one, indeed, to come forward on this occasion.

Q. Now, Sir, it is my duty, and I assure you it is far from being a pleasant one, to ask you, whether any mention was made about any connection of his own?

A. Really, I don't particularly recollect.

Mr. Serjeant Cockell. Well, Sir, I won't press you.

Cross-examined by Mr. Cross.

Q. How many years ago is this, Sir?

A. It may be twelve or thirteen years ago.

THOMAS RICHARDSON, *sworn.*

Examined by Mr. Holroyd.

Q. Mr. Richardson, I believe you are a Cutler and Surgeon's Instrument-maker, at Liverpool?

A. Yes.

Q. How long have you known the Prisoner?

A. I have known him eight or nine years myself, though he did not know me.

Q. I believe you used to be in the employ of Mr. Lloyd?——A. I was.

Q. Was he used to come to Mr. Lloyd's shop?

A. Frequently.

Q. And from that circumstance, you became acquainted with him first?—A. Yes, Sir.

Q. Now, do you remember him coming to your shop any time in March last?

A. I believe, Sir, it was in the beginning of March, but I will not be positive.

Q. Can you tell how long it might be before Miss Burns's death?

A. Why, as mentioned publicly, I judge it must have been about a fortnight before, or perhaps rather more.

Q. What did he come to your shop for?

A. To have an Instrument sharpened.

Q. What sort of an Instrument was it?

A. I judged about ten inches long, it might be longer or shorter, with a trocha point—a three-edged point.

Q. Should you know it again? *(shews one to the witness.)*

A. This was not it; but it is exactly like it, and I don't think I could describe the difference between them.

Q. What did he desire you to do with that instrument?

A. I was to make it *uncommon keen*—I took the liberty to mention to Mr. Angus, that I thought I could make it to answer his purpose better, if he would tell me the utility of it.

Q. What did he say?

A. He said it was merely to bore his children's ears.

Q. Is it a fit instrument for that purpose?

A. Not at all, it would rather abuse the ear than otherwise.

Q. Do you make instruments for the purpose of boring ears?——A. I have made several.

Q. Look at that? *(the witness takes it and examines it).*

A. That is exactly one for piercing children's ears with.

Q. Now, what is the difference between the points of the two?

A. The one nearly resembles a stocking needle, and the other has a triangle point.

Q. With three sharp edges?——A. Yes.

Q. And that would hurt or wound the ear?

A. It would make a hacking wound.

Q. Did you sharpen it according to his orders?

A. Yes, Sir, it gave him satisfaction when I had done it—I did it myself, Sir.

Q. Well, Sir, I suppose he took it away with him?

A. He did:—I charged him nine-pence, and he rather hesitated, and said it was too much.

Cross-examined by Mr. Topping.

Q. He had no particular acquaintance with you, but came to you, as a Cutler, to do this?

A. You are right, Sir.

JOHN STEELE, *sworn.*

Examined by Mr. Raine.

Q. Mr. Steele, you are a Druggist at Liverpool?

A. Yes.

Q. Where do you live?———A. In Pool lane.

Q. I believe, Sir, you are partner with Mr. Oakes?——A. Yes.

Q. Do you remember the Prisoner coming to your shop, and when?

A. Yes: about six weeks before he was taken into custody.

Q. What did he ask for?

A. He asked had we any Oil of Savin—I said we had—He asked the price of it, and I told him it was five shillings per ounce.

Q. What said he to that?

A. He remarked it was very dear, and hesitated some time respecting the price. He said if it had been cheaper he would have had half an ounce; but, as it was so dear, he would only take a quarter, and if it was good, that would answer his purpose.

Q. Did you give him a quarter of an ounce?

A. I did, Sir; I weighed him two drachms.

Q. What did you put it into?

A. A phial which he brought with him.

Q. Did you observe the cork?

A. I did not take particular notice of the cork.

Q. You did not?

A. No:—It was his phial, and I believe when he brought it it had a cork in it.

Q. You put it into the phial?——A. I did.

Q. He took it away with him?

A. Yes; he put down eighteen pence, and received three pence back, and then went away.

Q. Now what is Oil of Savin—is it poisonous!
A. I always considered it as such.
Q. As a Druggist, you must know?
A. No—not from any experiments.
Q. Do you know whether it will cause abortion?
A I do not, except from information; I have heard so, but I do not know it for a certainty.
Q. Have you read any thing on the subject?
A. My information is from the Materia Medica.
Q. Is it your practice to sell it to women?
A. No, Sir.
Q Why?
A. Why because we are suspicious they may make an improper use of it?
Q. Do you give it to men that are strangers to you?——A. No.
Q. The Prisoner, then, was no stranger to you?
A. Not at all.
Q. Do you remember a phial being produced by Upton, the Constable?—A. Yes.
Q. What was upon the cork?
A. "Oleum Sabine."
Q. As far as you can judge, was that the phial you have seen before?—A. I believe it is.
Q. What did the phial contain then, when he produced it to you?
Mr. Topping. This is not the way of examining into that; you must do this when Upton the Constable is called; that will be the proper time.
Mr. Raine. Well, well, Mr. Topping, I will wave it, then, it is not material.
Court. It don't seem to me very material to enquire now what the phial contained, and besides the question is improper to be put in this stage of the business.
Mr. Serjeant Cockell. My Lord, it is of no consequence, we will call Upton directly.

Cross-examined by Mr. Cross.

Q. This was in the common course of business —in the public shop?—A. It was.

Q. This was an article which other people buy, otherwise, of course, you would not have had it to sell?——A. To be sure.

Q. I presume it is not always bought for improper purposes?

A. I should suppose not.

Q. It is used constantly by the medical people who frequent your shop, as a medicine?

A. I very seldom sell any.

Q. But it is a medicine?——A. Of course.

Q. And you say it is poisonous?

Court. You will have some medical people, I suppose, by and bye, who will, most likely, be able to tell you the properties more particularly.

JOSEPH UPTON, *sworn.*

Examined by Mr. Clarke.

Q. You are one of the Head Constables at Liverpool?———A. Yes.

Q. Do you remember being at the Prisoner's house on the 28th March last?—A. Yes.

Q. Did you see the Prisoner there?—A. Yes.

Q. The day following, I believe, you took him into custody?———A. I did.

Q. Did you receive any directions from the Coroner to search the house?———A. I did.

Q. For what?—A. For the body of a child.

Q. Did you make a very minute search for the body of the child?

A. I searched the house through—privy—and every where.

Q. Did you succeed in the object of your search?

A. No, I was not able to find it.

Q. Do you remember the Prisoner at the Bar delivering any keys to Mr. Bigham?

A. I was present at the time.

Court. That was on the 28th, I suppose?

A. On the 29th, my Lord.

Q. Did you go into the cellar of that house?

A. I did.

Q. Did you receive any clothes from any body there?——A. From Ann Hopkins.

Q. Have you got those clothes here?

A. Yes, Sir.

Q. What are they?

A. One shift—one flannel petticoat—a pair of womens cotton stockings, a pair of bandages that were tied together at each end, and a piece of flannel, Sir, was amongst them.

Q. You have them here, have you not?

A. Yes, Sir.

Mr. Clarke. Produce those things.

(Witness brings out a box.)

Q. Now, before you produce those clothes, tell my Lord, and the Jury, whether they are in the same state in which you received them from Ann Hopkins?

A. They are not in the same state, because they were very wet and bloody at that time.

Q. But has any thing been done with them?

A. No, Sir.

Q. You say they were very wet—and what else at that time?——A. Bloody.

(Witness opens the box, and takes out a handkerchief, which he unties, and produces the clothes.)

Q. What are the first things?

A. These are the bandages I found, they were pinned together at each end, with this piece of tape.

Q. What is the next?

A. This is a shift—and this is a flannel petticoat, Sir—and here is a pair of stockings.

(Shews the things.)

Court. Well—I suppose he need not shew them any longer?

Mr. Serjeant Cockell. No, my Lord. *(to the witness)* Put them away.

Q. You have told my Lord and the Jury, that the Prisoner at the Bar, in your presence, gave Mr. Bigham some keys?—A. Yes.

Q. Now, did you go with Mr. Bigham up stairs?

A. I did.

Q. Into what room did you go with Mr. Bigham?

A. Into Mr. Angus's bed room, as it was described to me to be.

Q. Was there a cupboard in that bed room?

A. There was a place that he called his wardrobe; it contained a great quantity of bottles.

Q. Who unlocked that wardrobe?

A. Mr. Bigham.

Q. When it was unlocked, what did you find in it?——A. A vast quantity of bottles.

Q. Did you take the bottles?

A. I have got them here, Sir.

Q. Have you got a bottle marked "Poison Bottle," there?——A. Yes.

Q. Produce it.——Are the bottles in the same state in which they were taken out of the wardrobe?——A. Yes, they are.

Witness produces the bottle.

Q. I mean as to each bottle?—A. Yes, they are.

Q. Is that bottle in the same state in which you took it from the wardrobe?

A. I delivered it to Dr. Bostock for his inspection, and it is as I received it from him.

Q. What is that bottle marked?

A. "Poison Bottle."

Q. Now, have you any other bottles—two others marked "Jacob's water?"

A. I had, Sir, but I gave them to Dr. Bostock for his inspection.

Q. Did you not receive them back?

A. No, Sir.

Q. But that marked "Poison Bottle" you did?

A. I did.

Q. Have you any other?

A. There is another marked "Oil of Savin,"—the letters are rather defaced.

Q. That was all you took from the wardrobe?

A. Yes, Sir.

JOHN STEELE, *called again.*

Examined by Mr. Clarke.

Q. Now, Mr. Steele, look at that bottle, and tell us what the mark is upon it?

A. OL. SAB.—It is an abreviation of the Latin name for Oil of Savin.

Q. Will you look at the contents of that bottle, and tell me what they are?

A. I believe it to be Oil of Penny-royal.

Q. Was it that kind of bottle, Sir, in which you gave him the Oil of Savin?

A. I believe it to be the bottle.

Cross-examined by Mr. Cross.

Q. Is there any thing particular in the bottle that induces you to be so positive?

A. It is the same size of a bottle.

Q. Aye, but it is a very common sort of a bottle, you know?

A. It is.

Q. Will you swear you sold him such a one?

A. No, no, he brought it with him.

Q. But you sold him oil of savin in a bottle like that?—A. Yes.

JOSEPH UPTON, *Examination continued.*

Q. Did you find any other bottle marked like that is on the top, in the wardrobe?—A. Not any.

Q. Did you find a case of surgical or any other description of instruments, in the wardrobe?

A. There was a case of instruments but I did not bring them with me.

Cross examined by Mr. Topping.

Q. Then your directions were to make the most diligent and minute search?—A. Yes.

Q. And I take it for granted you obeyed them?

A. I did.

Q. And you neither found what you was looking for, nor any trace of it?—A. I did not.

Q. I think you say you was in the house of the Prisoner, on the twenty eighth?—A. Yes.

Q. He was then there?—A. Yes.

Q. The following day too?

A. The following day too.

Q. Then the Coroner's Inquest had been held on the 28th?—A. Yes.

Q. And after the inquest had been held the Prisoner was there the following day when you were directed to apprehend him?—A. He was.

Q. He made no resistance, I believe, nor difficulty in the way of your searching?

A. He was in custody when I searched the house on the 29th.

Q. And you say you have had possession of those articles you found in the wardrobe, except when you delivered them to Dr. Bostock?—A. Yes.

Q. Have you never delivered any of the articles to any one but Dr. Bostock ?—A. No, Sir.

Q. The clothes, I think you say Ann Hopkins gave you in the cellar ?

A. Yes; she pointed them out.

Q. And you took them and have possession of them ?—A. Yes.

Court. Have you brought all the bottles which you found in the wardrobe ?

A. All but two, which I gave to Dr. Bostock, and those were marked "Jacob's water."

Court. Did you find any other medicines in the wardrobe, except liquids in the bottles ?

A. No, my Lord.

Court. No salves or any think of that sort ?

A. No.

Court. Was there any perfumes.

A. I cannot say that there was, I am not such a perfect judge.

MR. STEELE, *called again.*

Q. Mr. Steele will you have the goodness, to tell us whether there was any thing besides those liquid medicines, any perfumes, or things of that sort ?

A. I think there was oil of lavender and essence of lemon and a little musk.

THOMAS FAIRFAX HAY, *sworn.*

Examined by Mr. Serjeant Cockell.

Q. Mr. Hay, you are a Surgeon and practitioner in Liverpool, I believe ?—A. Yes, Sir.

Q. How long have you been in practice, Sir, a great many years ?

A. No, Sir, I should think about four or five years; I mean to say, since I left the Hospital, I

think it is about four years, next October—it is three years last June at Liverpool.

Q. Do you know the Prisoner at the Bar?

A. Yes.

Q. Did you go at any time to his house, in company with any medical gentlemen?

A. I did, Sir—with Dr. Rutter, and Dr. Gerard, and an apprentice of mine, of the name of Robinson.

Q. What day was it?

A. On Sunday, the 27th. March, last.

Q. Did you see the body of Miss Burns?

A. I did, Sir.

Q. Lying dead?——A. I did, Sir.

Q. Where did you find the corpse?

A. Upon a bed, in an upper room, over the small parlour.

Q. Now, Sir, describe the situation in which you found the body, and the observations you made?

A. I did not perceive any thing very particular at first view; on the removal of the body from the bed to the table, on which it was laid, there was a small spot of blood, lying on the sheet underneath—not quite so large as my hand.

Q. Now, relate as distinctly and minutely as you can, to his Lordship, all you observed?

A. We removed the body to the table, and after having drawn the Shift that was on her, over her face, we proceeded to the investigation of the body: after having exposed to view, the Intestines—

Court. You observed no marks of external violence?

A. No, my Lord——I discovered in the convolutions of the intestines, an olive coloured fluid.

Q. After opening the body?

A. Yes—which certainly, I conceived, was not similar to that fluid which we generally find in dead bodies. By the directions of the Physicians, I proceeded to examine the stomach: I forgot to mention that, on opening the body, I discovered a slight inflammation (if you will allow me to use the expression) upon the Peritonæal Coat, but not sufficient to call a disease.

Court. Did that extend over the whole of the Peritonæal Coat of the intestines?

A. It was more upon some of the parts of the intestines, remote from the stomach; and between that and the Gut, called the Rectum, there were some parts which I could scarcely call inflamed.—Bringing the stomach into view, I discovered at the anterior and inferior portion of it, (I am speaking now relatively to a person in an erect posture) a preternatural opening; when I discovered it, it was not so large, though very near, as the palm of my hand; perhaps rather larger than a crown piece, my Lord. I have no doubt, that in drawing down the stomach in the manner I did, that I enlarged the opening. The stomach, which was not distended, but you might call it nearly full, contained a green fluid resembling that which was discovered amongst the intestines, which convinced me that the fluid I discovered below came from the opening in the stomach.—It was thought, of course, adviseable to collect some of this fluid, and to submit it to chemical experiment, and having previously provided some wide mouthed bottles, I introduced two into this opening. I shall suppose from six ounces to half a pound of fluid is what I collected. I then tied the end of the stomach next to the intestines—

Court. Near the opening?

A. No, my Lord, much lower down; I suppose four inches lower—and separated the stomach from the body. The stomach then, and the small contents which it had, was put into the water we had made use of to clean the sponges which had soaked up the fluid, extravasated amongst the intestines. There is an intestine that goes from the stomach, called the Duodenum, about twelve inches in length, which was certainly much more inflamed than the other parts of the intestines, and the internal villous coat here was also slightly inflamed. The intestines also contained a great deal of the same fluid that was discovered in the stomach; we included a portion of the intestines between two ligatures; we then opened that portion of the intestine, and caught the fluid in a dish, I believe, or phial, and we set that by, also, for Chemical analysis.

Court. Then you have already got three species of fluids, that which you found amongst the intestines, that which you found in the stomach, and that which you found *in* the intestines?

A. Yes, my Lord—I have nothing more to say respecting the stomach, and I will proceed to the womb, or uterus—and considering the womb as of a person in an erect posture, as we usually do, its peritonæal coat towards the fundus, or upper part, was slightly inflamed; and, on seeing the uterus, which was much larger than natural—we took it out of the body to examine it more minutely; in making an incision the whole length of the side of it, we discovered that it was a healthy uterus that had lately excluded a fœtus from it.

Q. Did you observe any thing besides the en-

largement of the uterus that led you particularly to conceive a fœtus had been recently excluded?

A. Yes, there were evident marks of recent attachment of the placenta, or after-birth.

Q. The appearances were such as enabled you to say that the exclusion of the fœtus was recent?

A. Yes.

Q. Now, I will ask you, have you any doubt in your mind that the fœtus had been recently excluded?

A. No, Sir, not the least doubt.

Q. From the appearance of the uterus, and the spot from whence the placenta had been removed, can you form any conception as to the maturity of the child?

A. So far I can form a judgment, that the child must certainly have been near full grown. If I had not been particularly called upon to examine this body, and had it come unexpectedly under my eye, I should have said that she had died recently after having expelled a child.

Q. Then every appearance in these parts led you to be of opinion that she had been recently delivered of a child?—A. They did.

Q. Will you describe to my Lord, what the appearances were, that enable you to speak possitively of the detachment of the placenta?

A. Why, my Lord, the general cavity of the uterus is comparatively smooth, the part where the placenta is attached to is rugged; the shape too, my Lord, of the uterus is circular, and so is the placenta.

Court. From the magnitude of this part, you can judge, perhaps, of the age of the child?

A. Not exactly, my Lord, but it must have been near its full growth—the vessels, also, going from

the uterus to the placenta, for the nourishment of the child, were plainly discoverable.

Q. Then, Sir, am I to take it for your decided opinion, that the child had been very recently expelled from the womb?

A. Yes, Sir—the color, too, of a very small quantity of fluid, oozing from these vessels, was of a florid color, which, had she been delivered a few days, would have become much lighter, the color would have been changed. I have to inform your Lordship, that in a natural state, when a woman is delivered, for a few days afterwards a discharge comes from the uterus, called the lochia. The size of the uterus, which in its natural state, is not larger than the size of a recent fig, was here, I should conceive, the size of a bullock's heart.

Q. Now, in a healthy uterus, if there had not been a child expelled, do you think it could possibly have been of that size?

A. I call this a healthy uterus, which had lately expelled a child, but a uterus, in a healthy state, unimpregnated, could not be of that size. I have now finished the description of the uterus.

Q. Now, I will only repeat again, from all these appearances you have now spoken of, am I to take it as your decided opinion, that there had been a recent expulsion of a fœtus from the womb?

A. Yes.

Q. Now, Sir, you have described the state of the stomach, permit me, Sir, to ask you, what, in your judgment, occasioned that defect in the stomach that you have stated and described?

A. I could wish his Lordship and the Court to understand, that I cannot speak to this question so decisively, as I have done to the others.

Q. But what, in your judgment?

A. In my judgment, I cannot account for that opening, from any natural cause.

Q. Can you account for it from any disease with which you are acquainted?

A. No, Sir.

Q. Was the stomach as strong as a healthy stomach is?

A. The parts above, I mean the cardia, would not yield, but the other parts surrounding this hole, were very pulpy, soft, spongy, and broken down, and I could put my fingers through with much ease, and they would have broke with the slightest touch.

Q. I believe, in the healthy state, if the stomach is not diseased, or if it has not had something at war with it, it is very tough?

A. It would be difficult to pass your fingers through it, it is a thin bag, but a very dense one.

Q. Now, Sir, having told me that you know no disease that could produce the effects you have now stated, I am only asking you what, in your judgment, must have been the occasion of them?

A. Why, Sir, having prefaced it by saying, that I cannot account for it by any natural cause, I hope it is not uncharitable to conclude, that some deleterious drug must have been conveyed into the stomach, to produce those appearances.

Q. Now, Dr. Hay, I will ask you one question:—the opening of the stomach you have described; do you think that would occasion death?

A. Most certainly, it was a sufficient cause of death.

Q. Are you acquainted, Mr. Hay, with the properties of the corosive sublimate of Mercury?

A. Why, Sir, that enquiry would be more properly made when Dr. Bostock is examined.

Cross-examined by Mr. Scarlet.

Q. How long have you been in the practise of Surgery?

A. About four years;—I can only say three years from last June, in Liverpool.

Q. Have you dissected many subjects?

A. Many.

Q. You made this examination upon the Sunday?——A. I did.

Q. I don't observe whether you have yet stated that any change would take place in the appearances between the Friday and the Sunday, the body being dead on the Friday?

A. Why, Sir, independent of the stomach, I never examined a more healthy, or a fresher subject.

Mr. Serjeant Cockell. Did you perceive any appearance of the fluor albus?——A. No, Sir.

Q. If she had been greatly diseased with it would there have been appearances?

A. No, I don't think there would, Sir.

Q. Does fluor albus ever attend labour?

A. Yes, frequently.

Mr Scarlet. I was asking you whether, in your judgment, supposing the body to have deceased on the Friday, whether a considerable change might not take place in the greater part of the internal organs in the course of thirty-six hours?

A. Why, I have dissected subjects that have died in hospitals and at different places, and have not found, that in the month of March, the putrefaction would have taken place in twenty-four, thirty-six, or forty-eight hours; indeed, there was very little appearance of putrefaction in that body.

Q. If you please, Sir, I will now confine my question to the situation of the stomach:—you

have stated that, in your judgment, the appearances could not be produced by natural causes?

A. I know of none.

Q. Are you aware (most probably you are) that experiments have been ascertained respecting the digestion of the stomach after death, by the action of the gastric juices?——A. Yes.

Q. Are you acquainted with the writings of Mr. John Hunter, upon that subject?——A. I am.

Q. Now, Sir, seeing that there are many things in nature which our philosophy has never dream't of, are you prepared to say that, though it may not have come within your experience to have found that state of the stomach after death from natural causes, do you not know, that the opinion of eminent writers upon that subject differs from what you have expressed?

A. Yes, Sir, but they describe appearances that did not exist in this body.

Q. You found the stomach, excepting the hole you have described, in a healthy state?

A. No: round the hole it was easily broken down.

Q. Was not that in a state of digestion?

A. No, in a destroyed state.

Q. Whether the edges of the hole or the circumference of it, with the appearance, then, was not what you would call digestion?

A. I call it a destruction, Sir.

Q. That is, you mean, a change in the appearance?

A. A change in the appearance——in short, it was not natural.

Q. I believe you are aware that it is but a speculation of Mr. Hunter, that the digestion of the stomach after death, is produced by the gastric juice?——A. Certainly, it is speculation.

Q. Do you not know that repeated experiments have been made to ascertain the fact, that in the most healthy stomachs in cases of sudden death, holes have been found that could not be accounted for from natural causes, and where there was not any suspicion of poison?

A. It was in a healthy stomach, that that experiment has been made, it never happens except in healthy stomachs that have had no previous disease.

Q. Then you mean to say, that as far as your reading or experience goes, those holes of the stomach are not found excepting in healthy stomachs?

A. I do not mean to say, that it is absolutely impossible that they should be found in a diseased stomach; a cancer in the stomach may, in time, produce a hole.

Q. You mean a hole of this particular kind—with the circumference of it in that particular state which you have described; you mean to say that 'tis impossible, in your judgment and knowledge, that such an appearance could have sprung from any natural cause but in a healthy stomach?

A. Why, I must admit the possibility certainly.

Q. Are you acquainted with the book of Morgagni?

A. I have never read it,

Q. You have never read Morgagni's book, de Sedibus et Causis Morborum?——A. No, Sir.

Q. Then you are not at all aware of the collection of cases, made by that writer upon this specific subject?

A. No, Sir.

Q. Now, Sir, if you please I will ask you some questions according to my ignorance, and trust you

and the learned Gentlemen opposite me* will excuse any mistakes I may fall into—I will ask you, Sir, now, respecting the state of the womb—but first, what was the color of the internal parts of the stomach that were not broken down?

A. There was very little or no inflammation, at least not sufficient to justify its being called a disease.

Q. I will repeat the question—I was asking you Sir, as to the color of the internal parts of the stomach?

A. The color of the superior part, Sir, was natural.

Q. Now, supposing that hole in the stomach, which you have described to have been produced by what you conjecture a deleterious drug, you will agree with me, I suppose, that the action of it on the stomach, must have been very violent?

A. Certainly.

Q. The hole was in the lower part of the stomach?

A. At the lower part.

Q. Now I would ask you, Sir, whether in the course of your experience, you have ever met with an instance in which so violent an effect has been produced, in the lower part of the stomach, without the same drug having produced some apparent effect of violence upon other parts?

A. Why, Sir, as I said before, Dr. Bostock is the most proper person to answer these enquiries.

Q. Have you made many deliveries of women?

A. Yes.

Q. Many?—A. Yes.

* Meaning the Medical Gentlemen who were present.

Q. You can speak then of the state of the womb; but let me first ask you, was the Mucus upon the stomach?

A. The Mucous Membrane was, if you mean that.

Q. Aye, I mean the mucous membrane—it was not destroyed, was it?

A. No, except where the hole was.

Q. Now, if you please, I will ask you about the womb; you were just now describing, that the womb immediately after parturition contracts very much?

A. Certainly.

Q. I believe, Sir, you will agree that the contraction is very sudden and powerful?

A. Very much so.

Q. In case the uterus does not contract as it ought to do, what is the consequence?

A. Sometimes a fatal Hæmorrhage will ensue.

Q. Now, I will ask you, Sir, from the state of distention in which you have described this uterus to be—could you suppose it had contracted sufficiently—was it not more distended than a healthy uterus usually is, after the exclusion of the fœtus?

A. It struck me in that light, when I first examined the body—and I have before said in another place, after having stated the joint opinion of myself and colleagues—I said that I thought I ought to observe, for the sake of humanity, that from the direction of the vessels at the fundus of the uterus, I could admit that there was a *possibility* she might have died of an Hæmorrhage—but after more reflection and conversation with my medical friends, I am persuaded that that possibility is still farther removed.

Q. Then it is your opinion that she could not have died of a flooding?

A. I still, Sir, admit the *possibility*; but it is my opinion that she did not die of that.

Q. I wish to know then, what was the diameter of the uterus in the first place, you said, just now, it was the size of a bullock's heart, but what might it contain?

A. I should think very near a quart.

Q. What was it filled with?

A. It was empty.

Q. Now, Mr. Hay, I mean to ask this question, though I may be mistaken about it; but I ask you, Sir, if the size of the uterus, supposing a fœtus had been recently excluded from it, had not contracted to smaller dimensions—must not two things have happened—either a violent flooding—or coagulated blood in the inside of the uterus?

A. Why, Sir, my opinion with respect to her not having died of an hæmorrhage, is founded upon our not having discovered any coagulum in the inside of the uterus, which, I think, must have been the case, in this instance, had that been the occasion of her death.

Q. Now, did you ever, in the course of your experience, know of a healthy uterus being of the size you have described this to be, after the exclusion of a fœtus?

A. I have scarcely ever had an opportunity of examining a uterus immediately after the delivery of the child.—In ordinary cases, immediately after the delivery of the child, we find a lump, a circumscribed lump, which we know very well is the uterus in a state of contraction, but we only feel the upper portion of it, the other part being in the pelvis.

Q. What I wish to know is this; in the event of the uterus not contracting immediately after de-

livery—would not the consequence be, either that of a violent flooding, or the remaining of a coagulum in the uterus.

A. Both would most probably ensue; for after a violent flooding, there would most likely be a coagulum in the uterus.

Q. Now, you found no coagulum in the uterus?

A. No.

Court. The effect of the womb not contracting as it ought to do, after a recent delivery, is a flooding from the coagulum of blood?

A. My Lord, a flooding sometimes is not fatal, and sometimes is; but when the flooding is fatal, then there is the greatest probability of discovering the coagulum in the cavity of the uterus.

Court. How do you proceed, in the usual way, after delivery?

A. We place our hand on the abdomen, and use pressure to facilitate the contraction of the uterus.

Court. Will you describe then what you feel, when you use the pressure of the hand?

A. We only feel the fundus, not the whole body of the uterus, but the fundus.

Court. How were you applying that to the state of this uterus, which you are now examining about?

Mr. Scarlet. My Lord, we wish to pursue the enquiry, understanding, that from the size of the uterus, a fatal hæmorrhage would take place.

Mr. Hay. What I have to observe is this, that in pressing upon the abdomen, I had only hold of the fundus, and, therefore, cannot judge of the size, or degree of contraction.

Q. You found no coagulum?——A. No.

Q. And you infer, therefore, that there could have been no violent flooding?——A. I do.

Q. Perhaps you can tell us the thickness of the walls of the uterus?——A. Yes.

Q. What was it?

A. I should think about half an inch.

Q. You have stated, just now, an appearance in the uterus, which led you to infer, that the placenta had been recently detached?

A. Yes; the diameter of that portion of the uterus, where the placenta was attached, was about four inches; I speak within compass.

Q. It might have been more?

A. Yes, I am pretty sure it was more, and when I mentioned four inches, I did so, because I wished to speak within compass.

Q. Don't you think it was five inches!

A. I won't go farther than four, to be possitive about it; perhaps it was four and a half.

Q. Do you think it was nearer four and a half, than four?——A. I do.

Re-examined by Mr. Serjeant Cockell.

Q. Now, Sir, I will only ask you two questions —the first is this—whether, having found no coagulum in the womb, you infer from hence, that there was no violent flooding?

A. Certainly, I do.

Q. The next is—whether, if the child had been excluded, and the parent had died in the same moment, whether the force of the contraction of the uterus would not cease on death?

A. Oh! certainly.

Mr. Scarlet.

Q. Supposing now, in the case which the learned Serjeant puts, that the moment of death had

immediately succeeded the exclusion of the child, would not the necessary consequence of the contraction ceasing, have been, that the forming of the coagulum would cease also?

A. No, because the circulation ceases also.

Q. Why, it could not cease that instant, you know, for there must be a considerable force, must there not, in order to expel the child?

A. There certainly must be a great contraction of the uterus to expel the fœtus.

Q. Yes, and therefore there must be some sort of circulation there?——A. Certainly.

Q. Then I ask you, supposing the flooding to have taken place, according to ordinary cases, it must take place immediately, must it not?

A. No, I have known instances, in which it has taken place some time after.

Q. But after the exclusion of the placenta, the flooding takes place directly?

A. I have known instances to the contrary.

Q. But in general, it takes place immediately?

A. Yes.

Dr. JAMES GERARD, *sworn.*

Examined by Mr. Holroyd.

Q. Dr. Gerard, I believe you are a Physician and Accoucheur at Liverpool?

A. I am, Sir. I have not practised as Accoucheur for many years past, except to a few whom I had been in the habit of attending before, out of delicacy to their feelings.

Q. How long had you practised as Accoucheur before you gave up that part of the practice?

A. It might be a period of five years, but I don't speak with certainty. I have continued more or less, ever since.

Court. You have been in general practice as an Accoucheur for about five or six years?

A. Yes, my Lord,—The best answer to that, perhaps, would be to say, that I have attended some hundred cases in the course of my practice, at least five hundred.

Q. How long may you have practiced as a Physician?

A. About twenty-four years.

Q. Now, Sir, on Sunday the 27th of March, did you go with the last witness, Mr. Hay, to examine the body of this young lady?

A. I did, Sir.

Q. Will you describe the appearances which you found upon the stomach?

A. Upon opening the body a fluid was found in the abdomen, corresponding in appearance and color, with the fluid that issued from the nostrils, on removing the body from the bed to the table, except in being somewhat thicker and of a darker color, it was also similar to that in the stomach, but rather more fluid. Upon elevating or raising the stomach, a preternatural opening through its substance, which Mr. Hay has described, was very obvious, and several ounces of its contents were taken out for Chemical examination, expecting that we should find in it the cause of the injury. The slight inflammation observed, as it could not be considered as the cause of death, is in my mind of not much moment.

Court. What was the seat of that inflammation, Sir?

A. It was rather in the course of the blood vessels. The preternatural opening observed, appeared to me to be the cause of death, and I could not attribute it to any known disease, that I am

acquainted with; neither could it be supposed to arise from external violence, nor excess of vomiting, nor putrefaction. The idea of the gastric juice was contemplated; but as it differed in some respects from the appearances described by Mr. Hunter, (who, it may be proper to observe, was the first that ever did describe the appearance,) and from its not having been observed by other celebrated authors, particularly an Italian author, Spallanzani, who made experiments purposely after Mr. Hunter's communication to the world of his ideas, and who was never able to observe a hole through the coats of the stomach, though he did mark the appearance upon the internal coats.——

Court. What was the appearance he marked?

A. The powers of digestion acting upon the coats of the stomach after death. It is proper, my Lord, to observe here, that it is only after death that the gastric juice can act; the vital principle resisting its action during life; for the same reason the gastric juice could not produce inflammation.

Court. Is it necessary to go so minutely into this?

Mr. Holroyd. Why, my Lord, from the cross-examination of the last witness by my friend, Mr. Scarlet, it would seem that they mean to enter very minutely indeed, into it; and therefore.——

Court. What has been said of the discovery, by writers, appears to be going further into the business, than there is any necessity for.

Dr. Gerard. That has led me, my Lord, to say more than I otherwise should; however, I will be as concise as possible.—The situation of the corroded part is a material circumstance.

Court. In this case, you mean?

Dr. Gerard. In this case; for I presume the si-

tuation of the corroded part is different from what it would have been, if corroded by the gastric juice, being at that part of the stomach which would have been most depending in the erect or sitting positions, particularly when leaning forward in the act of vomiting; it is, of course, that situation in which any thing taken into the stomach would have rested, and acted with most effect during life. I name this because it had, together, with other circumstances some influence on my opinion. Mr. Hay has mentioned Mr. Hunter's observation, that the stomach of a healthy person is more liable to be affected by that fluid, because in that case it is in a more active state. Miss Burns having been subject to a violent vomiting for forty-eight hours or more, I could not consider her stomach to be in a healthy state for the secretion of the gastric juice; neither could I consider her death as sudden in the sense of Mr. Hunter's remarks.—It is also to be remarked, that where the gastric juice has been observed, even by Mr. Hunter himself, to have dissolved the stomach, it has always been found to have acted on the contiguous parts, and even to have corroded some of the neighbouring viscera, the diaphragm, which is betwixt the stomach and the lungs, and even the lungs themselves. The quantity of fluid found in the stomach is also of importance, inasmuch as it must have weakened the power of any other liquid, (I need scarcely observe to the Jury) in the same way that water will weaken the strength of spirit, by being added to it. I have thought it necessary to make these observations, in order to assign my reason for not considering it to be the effect of the gastric juice, conceiving that to be the only stand that could be made to support a contrary opinion

to that which I am about to state, respecting the cause of death. Give me leave to say, that for these reasons, I conclude, and form my opinion upon that conclusion, that the injury sustained could not have been the effect of the gastric juice, but must have arisen from some acrid or poisonous matter taken into the stomach.

Mr. Holroyd. Now, when the body, after death, is laid supine, if the gastric juice, had acted at all, would it, according to your experience, have acted where this hole was?

A. I cannot speak from experience, having never seen a case of the kind. I believe it is of rare occurrence, inasmuch, as many experienced surgeons have not seen it.

Q. Then it is so rare, that those who have opened many hundred bodies, have not seen the effects of it?

A. I am of that opinion, and have understood so.

Court. You are speaking now, Dr. Gerard, of the case of a stomach corroded by the gastric juice?———A. Yes, my Lord.

Q. Now, Dr. Gerard, what are the usual effects of oil of Savin?

A. I do not know them practically, at all. I never gave it as a medicine. I believe it is a popular opinion, that it will produce abortion, and I know it will kill dogs.

Court. Even with respect to that, Dr. Gerard, you are, perhaps, merely speaking of the opinion of the multitude?

A. No, my Lord—that is from experiments which have been made since this unhappy business took place.—A quarter of an ounce was given to a dog, and in the course of two or three minutes, he staggered, fell down, and made several ef-

forts to rise, and could not. He afterwards recovered in part, so that in the course of ten minutes, perhaps, he did recover from that dose, for a given time; but he vomited bloody froth, and upon giving him a fuller dose, of half an ounce, he was killed; it bringing on, first, the same symptoms of vertigo, stupor, and dozing, and, at last, death; and upon opening the body, there was a slight corrosion of the internal coat of the stomach, but not a hole entirely through, by any means; neither do I mean to say, that I am of opinion, that, in this instance, Miss Burns came by her death from the effects of oil of Savin.

Q. Now, can you say, Dr. Gerard, from experience or experiments, whether poison taken in solution into the stomach, particularly corrosive Mercury sublimate—whether that taken in solution into the stomach, could always be traced?

A. We did not discover any thing of that kind in the stomach of Miss Burns; but I gave it as my opinion, that being taken in solution, a poison might be capable of producing deleterious effects, and not afterwards be discovered in the stomach, which has since been proved to be a fact.

Q. Now, Dr. Gerard, will you tell us what particulars you observed, with respect to the appearance of the womb?

A. The womb was in a natural state for a womb that had recently expell'd a child. The length of time, I should think, cannot be accurately judged of from appearance; but the womb itself bore all the usual marks of such occurrences, particularly the attachment of the placenta, or after-birth, and the dilated state of the mouth of the womb—Perhaps, my Lord, I had better go on to give my own idea as to the difference between the state in which it was found, and

what it might be supposed to be in, in the impregnated state before delivery.

Court. If you please, Sir.

Dr. Gerard. The size, though now large, must have been considerably larger before—I believe the Jury will form as good an idea of that, from their own impressions of the encreased size of a female, under such circumstances, as from any description of the size that I can give them. Therefore the expulsion of a child, at or near full time, I mean so near full time, as that it might have lived, provided it was born alive, (for I don't pretend to say within a month) must make a very considerable alteration in the size of the womb, and tho' it was in a very enlarged state, compared with its natural size, it was much reduced to what it must have been before delivery. That there could not be the smallest doubt of a womb found in that state, having recently expelled such a child, I am perfectly satisfied, as much so, as if I had seen the child. I think, my Lord, that is all that I, at present, recollect to the purpose.

Q. Then, if I understand you right, Dr. Gerard, you have not any doubt whatever of her having been lately delivered of a child?

A. Not the smallest.

Q. Dr. Rutter, I believe, is a Quaker, is he not?———A. Yes.

Mr. Holroyd. My Lord, I'm only asking this, to explain why we do not call Dr. Rutter.

Q. Dr. Rutter applied to you to go, did he not, on that very account?———A. Yes.

Q. Upon account of his religious scruples with respect to an oath he applied to you?

A. Yes—I hesitated, and very reluctantly accepted of the proposal,

Q. You have been speaking of the hole in the stomach—was that adequate to produce death?

A. Certainly—life could not be continued under such circumstances.

Q. And, in your judgment, by what was that hole in the stomach occasioned?

A. I have before spoken to the point, that as I do not conceive it to be the gastric juice, nor any disease I am acquainted with, though I could not determine what was the cause, yet I infer that it was some acrid matter taken into the stomach.

Q. Now, the violent vomitings which you have heard Miss Burns had for two days before her death—are not such vomitings occasioned by poison?

A. Vomitings, and thirst, and pain are the symptoms of poison, but we have not heard them so strongly explained to-day as we have heard them before; and they may be attributed in part to labour. It is due to the Prisoner to say, that they may, in some respect, be attributed to that—pain, vomiting, and thirst, frequently attend labour.

Q. And do they not also attend Poison?

A. Certainly.

Q. When both causes exist, both labour and Poison, would or would not these symptoms be encreased?

A. Most likely they would be encreased considerably, I would only say, we have not heard them to day, so strongly spoken of, as I should have expected.

Q. Now, in your judgment, from the symptoms you observed in the womb, or about the body—in your judgment, could her death have been occasioned by a flooding?

A. I do not apprehend it could—not under the

circumstances in which we saw the womb—it did not occur to me as a likely cause of her death, and I don't yet think it was——

Cross-examined by Mr. Cross.

Q. Dr. Gerard, I understand then, you ascribe the death of the deceased to the hole in the stomach?—A. I do.

Q. And that you conceive to be an adequate cause?

A. Certainly, if we could prove that the hole in the stomach was there before death.

Q. Then, finding what you supposed to be an adequate cause, you did not examine any other parts of the body to see if you could find any thing else to which her death might be attributed?

A. We did not: we certainly expected to have found it in the contents of the stomach.

Q. Then you went with your mind prepared for the place of search before the search began?

A. No such thing; my mind was not biassed—I went, expecting nothing.

Q. Oh, I don't mean biassed—however you found an adequate cause of the death in the stomach, and searched no more.—The head was not opened?—A. The head was not opened.

Q. Nor the thorax?——A. Nor the thorax.

Q. And only the abdomen and the uterus contained in it were examined?—A. No more.

Q. Then your notion of the hole's being an adequate cause of death, is founded upon the supposition that it was there before death, I take for granted?——A. It is, Sir.

Q. Now, that hole, Dr. Gerard, you call preternatural?——A. I do.

Q. From that, I presume, you mean contrary to

the ordinary laws of nature, which you found shut out from the common observation of mankind?

A. I do.—There should be but two openings into the stomach in a natural state, one into, and one out of it.

Q. Now, if you please, for the present we will confine our enquiry to your own observations, and please to inform the Court of your knowledge of the laws of nature upon this particular subject. I beg leave to ask you, how many human stomachs you may have happened, in the course of your life, to have examined, as critically and as minutely as you have examined this?

A. Not such a number as to draw inferences respecting the operation of the gastric juice from my own observation.

Q. Then, from any thing you know from your own observation, you cannot take upon yourself to say but that the gastric juice might occasion such a hole as this in the body of Miss Burns?

A. Certainly, from my own observation, I cannot.

Q. If you please to confine your attention still to your own knowledge and experience.—It is not from your own knowledge, then, I presume, a preternatural thing that such a hole should be there after death?

A. I conceive it to be a preternatural thing from my own knowledge, because it is only described to happen in a natural state as the effect of the gastric juice—If you mean a natural state from the action of the gastric juice, it may arise from that action after death, but not as a natural state, any further than as the effect of the gastric juice.

Q. You told me you meant by preteternatural, something not according to the ordinary rules of

nature, and I put it to you whether, if the gastric juice corroded the dead stomach, that would not be a natural opening?

A. It would be a natural effect after death of corrosion from the gastric juice—an effect of such rare occurrence, that in dissecting a whole winter in Dr. Hunter's room it never occurred.

Q. But I put this question, whether you can form any idea as to the number of human stomachs which you have examined with the same critical accuracy as this?

A. I don't suppose the number would exceed twenty.

Q. But you have twenty in the course of your life?——A. About twenty.

Q. You think you have examined as many as twenty as critically as you have examined this?

A. I think I have; either opened by myself or seen opened by others, to the number of twenty, where the stomach was examined, and without observing any instance of a hole in it.

Q. Was your attention particularly called on any former occasion to search for such a thing?

A. Not to the search—for though I have met with cases where poison has been taken, and death ensued, I have not met with any case that required a search, as it was acknowledged in these instances that they had taken it of their own accord.

Q. But, however, you don't remember in the course of your experience, to have seen any effect of that kind to have been produced upon a dead stomach?

A. I do not.

Q. But I think I understand you to say, that you have learned in the course of your professional studies that such a thing had been observed?

A. Certainly.

Q. Now, you don't mean to say, that there was any physical impossibility to prevent that occurrence taking place in the present instance?

A. Certainly, I do not.

Q. The hole, I think you described to be in the anterior part, in the lower part of the stomach?

A. Yes.

Q. And that is a situation into which you think the gastric juice could not very well come?

A. As it only acts after death, the dependant parts of the body would be a reverse situation when laid out on the bed.

Q. But I presume the gastric juice will act upon the internal coats of the stomach?

A. Yes, I apprehend it may; but I have already stated the reasons that led me to think, that in this instance it could not have acted there.

Q. You have heard, that the deceased was very much troubled with vomiting, might not that irritate the interior coat of the stomach and produce inflammation?

A. Irritate, it might—that which caused the vomiting might inflame.

Q. Then supposing any part of the interior coat of the stomach to have been so inflamed—is it impossible but that the gastric juice might have operated with peculiar effect upon that part after death?

A. I don't apprehend it was more likely to have acted upon that part than upon any other.

Q. Would not the putrefactive process begin there?

A. Yes, if it was a continuation of the inflammatory process.

Q. The stomach was not inflamed at all?

A. Yes, but not to look upon it as the cause of

death—yet we found by experiment afterwards upon dogs that we killed with corrosive sublimate of mercury, that life was taken away, without producing more, or even with less inflammation than we observed in the body of Miss Burns.

Q. Now, as well as you can, Dr. Gerard, please to confine your attention to the parts of the stomach under consideration. I think you admit, if by vomiting any particular part of the stomach had been inflamed, the gastric juice, after death might very naturally begin to take effect on that part first?

A. No, I don't think so, I think not.

Q. Now, did you ever hear of such a thing as an ulcer in the interior coat of the stomach?

A. Certainly.

Q. Suppose this stomach should have been a little ulcerated during life, would not the gastric juice, be very likely to operate upon that part after death?

A. Why, I don't think I can say that it would materially.

Q. It either might, or might not, you think?

A. I can scarcely venture to give an opinion.

Q. But as you have learned in the course of your professional experience, that holes and corrosions do occasionally appear after death, why may it not have happened in this, as well as any other instance?

A. I don't say positively, that it might not have happened, but I say that the circumstances under which Miss Burns died, together with the difference between the appearances we observed in the stomach, and those which Mr. Hunter describes, lead one to think that that was not the case in this instance. Mr. Hunter says, that when the sto-

mach is corroded by the gastric juice, at that part of it which was corroded, the blood vessels are distinctly seen ramifying upon its surface, and that the blood may be pressed out at the corroded ends where it will stand in drops.

Court. Did you see any thing like this in the stomach which you examined?

A. We did not see any thing corresponding with that.

Q. Are you now speaking of the case of ulcers?

A. No, Sir, of the effect of the gastric juice.

Q. But I am speaking of ulcers, I was enquiring if you had learned any thing of ulcers.

Mr. Serjeant Cockell. Mr. Cross, I am sorry to interrupt you, but you really was not speaking of ulcers when you put that last question to the Doctor, and his answer was direct to the point of the question put by you.

Mr. Cross. Why really, Mr. Serjeant, it is not quite civil to contradict me, however, it is very indiferent.—Well, Doctor, I will suppose then, for the sake of courtesy to my learned friend, that your answer was to the point—will you *now* tell us whether it might not have happened in the case of an ulcerated stomach, that a hole might arise there after death?

A. I believe that the ulceration is capable of going on to the forming of a hole, but then the previous symptons would have been of much longer duration. In the present instance not only the powers of the gastric juice, but other circumstances have been considered by me, in forming my opinion with respect to the cause of her death.

Q. Now, I will put another question—I think I understand you to say, that as soon as the vital principle ceases, the gastric juice may begin to act upon the stomach?—A. Yes.

Q. Then inflammation happens during life only, and putrefaction at the extinction of life?

A. The process of putrefaction commences with the extinction of life.

Q. Then supposing there was considerable external heat in the stomach, is it not very probable that the putrefaction would begin in the part so heated, and would there be any thing preternatural in that?

A. I have no idea of the putrefaction process beginning at any one particular part, unles there had been a previous inflammation there ending in mortification.

Q. After finding this hole in the stomach, I think you say you proceeded to the examination of the contents of the stomach?—A. We did, Sir.

Q. And I believe after an accurate analysis, you did not find in them any substance that would have been injurious to the stomach?

A. I did say before, that we did not discover any thing.

Q. There was a part of the stomach that was destroyed and in that part was this hole—now I wish to know whether any experiment was tried upon that destroyed part of the stomach to see if you could find there any poisonous matter?

A. No, Sir, there was no experiment expressly made on the stomach itself—it was inverted and washed out on purpose to collect any thing that might adhere to it.

Q. Well now Dr. Gerard, that part of the stomach where the hole was, was destroyed, or at least it was soft as you described?—A. It was.

Q. Did you see Mr. Hay take it out?—A. I did.

Q. Mr. Hay has told us, that in extracting the stomach from its situation he enlarged the hole?

A. I believe he might.

Q. Now, Sir, can you take upon yourself to say, that there was any hole at all in it till he laid his hands upon the stomach?

A. I think I can—and from this circumstance, there was a part of the contents of the stomach to all appearance diffused in the body upon first opening.

Q. What—before the stomach had been touched?

A. Certainly.

Q. Not having examined into any other parts of the body, you cannot, of course, take upon yourself to say, that there was not somewhere some other adequate cause of death?

A. I cannot say that—but I can say we found none but that.

Q. Then, Dr. Gerard, if I understand you aright, it is first upon the supposition that the hole took place in the stomach before death, secondly, upon the supposition that that hole was occasioned by some deleterious substance which you did not find—it is upon these two suppositions that you form the conclusion, that the deceased died by poison.

A. It was; when I could find no other probable cause—I did not, therefore, possitively say, that the death was occasioned by poison. I wish you to distinguish my idea correctly: when I state that I do not think that the hole in the stomach was occasioned by the gastric juice, I still admit the possibility, though from all the circumstances put together, I give it as my opinion that that was not the case.

Q. Is not your conclusion, then, founded on those two suppositions, first, that the hole took place before death, and secondly, that it was not occasioned by the gastric juice, but by some acrid substance taken into the stomach?

A. It is.

Q. Then if either of them should happen to be erroneous, the conclusion would be so too?

A. To be sure.

Q. Now, one word about the putrefaction; you have told us, you have examined twenty stomachs in the course of your practice, how many wombs may you have examined?

A. None in that state, Sir.

Q. Then your knowledge on that subject is no greater than that of any other man, that has seen but one?

A. It does not require any more, Sir, from a medical man.

Q. Then, Dr. Gerard, as this was the only one you saw, we must understand, that you never saw the uterus of a woman, who had died of a hæmorrhage?——A. No, Sir, I never did.

Q. Did you ever see the uterus of a woman, who had died of a dropsy, in that manner?

A. No, Sir, that is a very rare occurrence, and the examination of such cases, is still more rare than the occurrence.

Q. Then I am to understand you, that upon that particular subject, your knowledge is as confined as that of any other gentleman of the Jury?

A. Certainly.

Q. Will you take upon you to say, that this was not a dropsical uterus?

A. I can take upon myself to say so, not as having examined a uterus in that state, but from the comparison of a healthy uterus with this, and the appearances which it presented.

Q. What though you never saw a dropsical uterus—you will take upon yourself to affirm that this was not one of that description?

A. I can give that answer though I never saw

one, from such knowledge as I can have upon such a subject, and because I see an obvious cause for the contrary opinion.

Q. Exactly, to which you cleave?

A. No Sir, I have no partiality, and should be very glad to state any thing consistent with truth, which might benefit the Prisoner. I have no opinion that I am at all tenacious of, but I certainly cannot admit that this was a dropsical uterus.

Q. So then, you will take upon yourself, Dr. Gerard, on your oath, on a question of life and death, to say, that this was not a dropsical uterus?

A. I understand I am standing here all the time to give my testimony upon oath. I therefore do say, that I believe the uterus to be an impregnated uterus; every appearance of it bears testimony to that, and the dilatation of the mouth of the womb, which could not have arisen in a dropsical uterus, sufficiently confirms my opinion.

Q. But still your own individual observation has been confined to that particular case?

A. Certainly.

Re-examined by Mr. Holroyd.

Q. I will just ask you, Dr. Gerard—I think you told us just now that the womb was in a healthy state?

A. Considered as in an impregnated state, it was.

Q. Would those symptoms which you found then, have existed, if it had been a dropsical uterus?—A. Certainly not.

Q. Now as to ulceration—if the hole in the stomach had been caused by ulceration, could she have been in a state of health till within two days of her death, as you have heard she was?

A. By no means, neither would the corroded edges of the stomach have been as they appeared.

Court. In which case?

A. If the hole in the stomach had proceeded from ulceration.

Court. Oh you mean if there had been previous ulceration terminating in an opening, the edges of that opening would have been in a different state?

A. Yes, my Lord.

Q. Was not the state of the hole and of the parts adjacent to it, different from what you have understood from your own reflections, and from your professional colleagues would have been the effect, if occasioned by the action of the gastric juice?

A. I have drawn my conclusion upon that subject from several circumstances, which all together, have enabled me to make up my mind.

Q. Was there any appearance of its having been occasioned by a mortification?—A. No.

Q. Upon the whole, taking all the circumstances into your consideration, what in your opinion, is the thing that was the cause of her death?

A. As I cannot trace it to any known cause, I attribute it to some unknown cause of a deleterious nature, and which I don't pretend to ascertain.

DOCTOR JOHN BOSTOCK, *sworn.*

Examined by Mr. Raine.

Q. Dr. Bostock, you are a Physician at Liverpool?——A. I am, Sir.

Q. I believe you have devoted a good deal of your time and attention, to the study of Chemistry?

A. I have, Sir, devoted a considerable part of my leisure time to that subject.

Q. Do you remember being called upon to go to Dr. Rutter's on the subject of this enquiry?

A. I do, Sir.

Q. We are told he lives near the Prisoner's house?—A. He does, Sir.

Q. Is Dr. Gerard's house next to Dr. Rutter's?

A. Not the next door, within three or four doors, in the same street.

Q. Did you afterwards go to Mr. Hay's?

A. I did.

Q. To examine this stomach and uterus?

A. I did.

Q. Did you observe this hole in the stomach?

A. I did, Sir.

Q. What, in your judgment, had produced that hole?

A. It appeared to me to be produced by some acrid, poisonous substance taken into the stomach?

Q. Give me leave to ask you, Dr. Bostock, whether corrosive sublimate of mercury, taken in solution, would have produced this effect?

A. That is a question I cannot exactly answer, for I have had no experience of the effect of its being taken, where the stomach has been afterwards dissected, excepting some cases which are not completely analogous—the nature of the stomach in these cases being somewhat different. I am, however, of opinion, that poison would produce such an effect.

Q. You are of opinion, you say, that poison would produce that effect?

A. I am of that opinion.

Q. Corrosive sublimate of mercury is a deadly poison?

A. It is a substance frequently used in medicine, but if taken in a sufficient quantity, it is a very active poison.

A. Give me leave to ask you, Dr. Bostock—

supposing a person had taken corrosive sublimate of mercury into the stomach, and had been affected with vomiting and purging, and had taken a large quantity of fluid also into the stomach, whether, upon the most minute search, it is not possible that no trace of it could be found in the stomach?

A. That question I am able to answer in the affirmative most decisively.—Corrosive sublimate may be taken into the stomach in a state of solution, and death may take place after violent symptoms of vomiting, purging, and drinking copiously of diluting liquors, but on examination of the stomach and its contents after death, the most minute tests will not be able to discover, or detect any of the corrosive sublimate of mercury.

Q. Doctor Bostock, we are told by Mr. Hay, that two or three, I believe, several fluids, taken from the body, were collected into different bottles, and which you assisted in examining and analyzing?

A. There were three different bottles of fluids, upon which I performed experiments; but more particularly upon that fluid which was collected from the inside of the stomach, the contents of the stomach—because that, I conceived, most probably contained the poisonous substance.

Q. But, I believe, Dr. Bostock, in point of fact, after the most minute investigation, you could discover no trace of it?

A. I thought it most probable, that either arsenic, or corrosive sublimate, would be the poison used, and therefore I applied to it in particular, the tests, by which those two substances are discoverable.

Court. Arsenic may be taken in solution, I suppose, as well as sublimate?

A. Yes, it may—united to another substance; but it is generally, when used as a poison, taken in a state of very imperfect solution.

Q. Corrosive sublimate, I believe, Dr. Bostock, is soluble by water only, unassisted by any thing else?——A. It is, Sir.

Q. Upon the application of those tests, by which you are enabled to discover corrosive sublimate, I believe you could not, in point of fact, find any?

A. I cannot say that I discovered any.

Q. Did you examine the uterus, Dr. Bostock?

A. I did, Sir.

Q. Will you be so good as to tell us what state you found it in?

A. It was very considerably increased in size; I should suppose it was of that size, that the cavity might contain a quart of fluid.

Q. I will ask you—how much a uterus of a moderate size, would commonly contain in an undistended, and unenlarged state?

A. There is scarcely any cavity at all in an unimpregnated uterus.

Court. In an unimpregnated uterus scarcely any at all, is there?

A. Scarcely any; the whole substance is scarcely larger than a pear or a fig, as has already been mentioned, by way of comparison.

Q. Are you enabled to state, from the appearances exhibited in that uterus, whether a fœtus had been recently discharged from it?

A. I think, I can most decidedly say, that it must have been recently discharged from it.

Q. A fœtus, of what growth, Dr. Bostock?

A. It may be difficult to assign the exact age—but it must have been considerably advanced.

Q. Be so good as to state to us those appear-

ances you saw in the uterus, from which you are led to conclude that a fœtus must have been recently discharged.

A. The principal circumstances were two; the appearance of the part to which the after-birth is attached, and the dilatation of the mouth of the womb?

Q. What was that appearance at the part to which the placenta or after-birth is attached?

A. A jagged appearance, and the evident remains of those vessels, by which the fœtus is connected with the mother, evidently producing a less smooth appearance than in the other parts of the internal surface of the womb.

Q. You were about to describe the other appearance at the mouth?

A. It was the enlargment or dilatation of the mouth of the womb.

Q. Taking all the appearances together, Dr. Bostock, have you any doubt that an infant had been recently discharged from that uterus?

A. I think there can be no possible doubt.

Q. Did you, Dr. Bostock, receive any bottles from Upton, the Constable?——A. I did.

Q. Was one marked "Poison Water?"

A. It was.

Q. After you had analyzed that, did you return it to Upton?——A. I did.

Q. Now, tell us, upon an analysis of the fluid contained in that bottle, what you found to be the ingredients?

A. It certainly contained a considerable proportion of arsenic—the tests by which that is discoverable, are, I believe, indubitable.

Q. Did you discover any other poisonous ingredients?

A. I can speak with almost equal certainty with respect to its containing Corrosive Sublimate.

Q. Did it contain that in any considerable quantity, Dr. Bostock?

A. Certainly it did—the exact quantity I am not now prepared to state, but I conceive that the fluid contained as much of them as it would dissolve, or to use the proper expression, it was saturated with those substances.

Court. With the arsenic and the sublimate?

A. Yes.

Q. You are acquainted with the nature of oil of savin?

A. I know its appearance and have seen something of its effects upon animals. Its effects when given to animals are to produce affections of the nervous system, such as giddiness, afterwards vomiting, and purging, and lastly, death.

Q. Now in your judgment—would oil of savin taken in sufficient quantity procure abortion?

A. I cannot go farther than to say that it is a pretty general opinion—I can say no more than that—that it is a popular opinion.

Q. Amongst the profession, I presume you mean?

A. Not only so, but more particularly amongst people at large.

Q. You know what penny-royal water is, has it a forcing quality?

A. I believe it is thought so by the vulgar; but I don't know that it has.—It is, I believe, a popular idea.

Q. Give me leave, to ask you, Sir, supposing poison was taken internally, are vomiting, thirst, and pain, likely to ensue?

A. Certainly, I should expect them to ensue.

Q. Will labour produce those effects also?

A. Vomiting, sometimes attends parturition, thirst also, generally does to a certain extent, and pain of course, often violent pain.

Cross-examined by Mr. Topping.

Q. I'll trouble you with only one or two questions—of the effects of oil of savin, you know very little of your own knowledge?—A. Very little.

Q. With respect to its being prescribed to the human species you never heard of it?

A. Never.

Q. Therefore of its effects upon the human species, you know nothing from experience?

A. Nothing—I only know them from analogy.

Q. What was the effect of a dose on dogs?

A. The effects were different, in different experiments.

Q. What was the smallest dose that did produce death?

A. I think three drachms, Sir, eight drachms make an ounce.

Q. Now as to the pennyroyal, you know nothing of the effects of that?

A. I cannot say that I do, from my own experience; I believe it is often used by country-people.

Q. Did you attend the opening of the body?

A. I did not.

Q. You entered upon the examination of it, under the idea, that the deceased came to her death by poison?

A. From what I heard, and from the appearances exhibited in the stomach, I certainly concluded that to be the case.

Q. You entered upon the examination with that opinion?

A. Certinly I did, though I knew nothing of th circumstances, but from a note which I received desiring me to attend.

Q. But you were present with Mr. Hay, ex amining it?——A. I was.

Q. Was not that idea communicated by him t you?

A. He detailed to me the symptoms, and I ex amined the parts.

Q. And therefore, entering upon the examina tion of the stomach, and finding what you though a probable cause of death there, you did not ex amine further—the head was not opened, was it?

A. The head was not opened.

Q. Pray, Dr. Bostock, if solution of corrosiv Sublimate had been taken into the stomach, t have produced that hole, would not the gullet an other parts have been affected?

A. I don't think that follows, because the quan tity necessary to produce death, is not large, i taken all at once.

Q. Is it not the effect of acrid, poisonous matter to produce considerable inflammation?

A. Generally it is, but not always.

Q. My question, Dr. Bostock, is—is it not th effect of acrid poison, taken into the stomach, t produce, during life, inflammation in the stomach

A. The question cannot be answered precisely because I conceive the stomach may be destroyed by poison, and not exhibit marks of inflammation after death.

Q. Now, how did you find the ends or parts about the hole?

A. The sides of the hole were soft, so that they easily tore, tender and ragged when I saw them because they had been handled.

Q. Did it appear to you to be in that state in which Mr. Hay has described it, so tender, that I could put his fingers through?

A. I should imagine so; I myself easily tore it.

Q. And at the time you saw it, it was ragged and pulpy?

A. The word *pulpy* has been used by my medical friends, but I should rather say *tender*, and *ragged*.

Q. Now, I would ask you, Dr. Bostock, how soon does the gastric juice begin to operate after life is extinguished?

A. That is a question I cannot answer from my own experience, or from any information I can collect.

Q. What is your judgment, as a man of science, which we all know you are, upon that particular point?

A. My judgment is, that when the effect is at all produced, it must begin almost immediately after death, because the gastric juice is a substance which cannot be formed after life is extinguished, and therefore being present, as soon as the stomach is dead, I see no reason why it should not immediately begin to act.

Q. The effect of it, I believe, is to corrode and perforate the stomach, is it not?

A. Authors of great and equal celebrity, differ somewhat in their account of it—Mr. Hunter, uses the expression, "corroding and dissolving," and in point of celebrity, Mr. Hunter ranks very high in our estimation.

Q. Do you concur, or differ with him in opinion?

A. I differ, Sir, in some particular points, as I must assume the privilege of being guided by my

own experience. Yet I feel a diffidence in departing from so great an authority, whilst, at the same time, I think I see sufficient reason for so doing in some respects.

Q. It is, however, the opinion of Mr. Hunter, that it would produce the effect of dissolving the stomach—that, you say, is his opinion?

A. Certainly.

Q. If it would produce that effect, I take it there was ample time between Friday and Sunday for that effect to be produced?

A. I have no doubt there was.

Q. On the most minute examination, you were not able to find any thing either of corrosive sublimate, or arsenic, in the contents of the stomach which you analysed?

A. Nothing that I can certainly ascertain.

Q. I don't know whether you happen to know, Dr. Bostock, that that sort of mixture is in common use for the destruction of bugs?

A. I believe it is, Sir.

Court. You mean the mixture contained in that bottle?

A. Yes, arsenic, or corrosive sublimate, I believe, is often made use of for that purpose.

Q. Frequently used, is it not, for washing furniture with, for the purpose of destroying those vermin?

A. I cannot say that I absolutely know it to be a fact, but it may be so, and I believe it is so.

Q. Do you know, Dr. Bostock, whether the drawers in this house, were washed over with that preparation?

A. I may say, that at the request of Mr. Angus, I accompanied Dr. Rutter to examine those drawers,

to see if we could not perceive a whiteness upon them; the report I should make is, that after minute examination, I think I could perceive a whiteness, but it was not obvious; still, I think, I could perceive it.

Re-examined by Mr. Raine.

Q Now, Dr. Bostock, as to the hole in the stomach, and the injury done to the parts next the hole—whether, in your judgment, any action of the gastric juice, could have produced that perforation and injury?

A. Taking all the circumstances of the case into consideration, I think it did not arise from the gastric juice.

Q. You have spoken of the tender substance of the parts immediately against the hole; give me leave to ask you, as to the rest of the stomach, was it that of a healthy subject?

A. There was some inflammation upon it.

Q. The parts next the hole you describe as being tender and ragged, but I mean the coats at the other end of the stomach, how were they, tender or tough?

A. They appeared to be in their natural state as to firmness, except having some inflammation upon them.

Q. Dr. Bostock, I believe poison, when taken in small quantities and repeated, will produce soreness and salivation?

Dr. Bostock. You mean, I presume, to refer to corrosive sublimate?

Mr. Raine. Certainly.

A. Yes, it is often used for that purpose when mercurial effects are intended to be produced on the system.

Q. Now, give me leave to ask you—supposing it was taken in a larger degree, sufficient to produce death, would it then so act upon the stomach as to produce a mortal effect without producing inflammation?

A. I can only answer from experiments made on animals; that in these cases death has been produced suddenly after taking corrosive sublimate, and, on being afterwards opened and examined, inflammation of the stomach has not been observed to have been produced in any considerable degree.

Q. And when taken in that quantity, so as to produce death, it acts so immediately, I suppose, as not to produce salivation?

A. I believe salivation would not be produced when taken in such quantity as to produce vomiting and sudden death.

Mr. Topping.

Q. You say that where corrosive sublimate has been taken in a quantity sufficient to produce sudden death, that salivation would not take place—you mean that that could not, of course, be expected, where the effect of taking corrosive sublimate is instant death?

A. No, I do not mean literally instant death; but in a short space of time, in the course of a few hours.

Q. Did you understand me when I asked you the question as to the effect of the sublimate upon the fauces or gullet, as referring to salivation?

A. I did.

Q. No, my question was, whether it would corrode it?

A. No, it would not corrode it, in that quantity.

Mr. Raine.

Q. Dr. Bostock, you have alluded to certain experiments you made upon animals with this corrosive sublimate, in solution; will you have the goodness to state what they were?

Court. I am not clear whether that should be received in evidence.

Mr. Serjeant Cockell. My Lord, most certainly, your Lordship knows it was received in that famous case of Donellan's——

Court. I don't know that it goes a great way—there is so much difference between the effects of different substances when given to animals, and when given to the human species, that I don't know how far this sort of proof can be relied upon: we know that in horse medicines, a horse would take a quantity of mercury which would be sufficient to kill forty people.

Mr. Serjeant Cockell. My Lord, I am not at all anxious on this subject—I am only supposing that the learned judge, was right, who tried that cause, and I never heard that questioned.

Court. I do not say that the evidence is inadmissible, but it appears to me, that it is too weak, to have much stress laid upon it.

Mr. Serjeant Cockell. If your Lordship feels any indisposition on the subject, I am certainly far from wishing to press it, contrary to your Lordship's inclination.

Court. I should wish to take the opinion of the medical gentlemen upon it, (to Dr. Bostock) Dr. Bostock, please to inform us, how far experiments of this sort, on brute animals, are to be depended upon as proving what would be the effects of the same substances when given to the human species?

Dr. Bostock. I think, my Lord, there are two

points in which the experiments made on brute animals are also applicable to the human species—the first is with respect to the fact, I mentioned sometime ago, of a dog having been killed after violent symptons, by taking corrosive sublimate, and of the stomach having been opened after death, and no inflammation observed—I think that in that case the inference from the experiment may be considered as valid, when applied to the human species.

Court. In many cases you know Dr. Bostock, there are medicines given to the human species, which would be applied very perniciously to horses, and vice versâ, there are others which would have a violent effect upon the human frame which horses will take in abundant quantities?

Dr. Bostock. Certainly, and I should not think it *analagous* to make experiments or try their effects as *remedies.*

Mr. Serjeant Cockell. My Lord, it is upon this ground that the evidence is offered—These Gentlemen by way of experiment administered poison, corrosive sublimate in solution to an animal, and speedily after death was occasioned: They then opened its body, and endeavored to find the presence of the poison that had been given to the animal, but did not find it.

Dr. Bostock. That was the second particular I meant to have stated.—That an animal after taking poison in a state of solution may be killed, after violent symptoms, and when the contents which remain on the stomach are examined, the nicest Chemical Tests, will not be able to detect the presence of the poison—I have an experiment that is to the purpose, and which I could read from my minutes, but it might perhaps be thought too long—

Mr. Scarlet. I submit to your Lordship that though

the opinion of the gentleman, resulting from that experiment, might be evidence, yet, that the history of the experiment itself can be no evidence.

Court. But how can you object to that, if it be worth while to go into the business so minutely? He may give you the general result, it is true, but he may be further interrogated, as to the reasons from which he draws his conclusions.

Mr. Scarlet. Your Lordship knows that is generally done in cross-examination.

Mr. Serjeant Cockell. My friend is supposing a a case that will not happen—the Doctor is now only going to state a case that is to be in point; we shall not enquire into the history of the experiment.

Q. Upon making the experiment alluded to, Dr. Bostock, on the animal that was killed by corrosive sublimate, did you examine the internal parts of the animal carefully?

A. I did.

Q. Did you discover the poison?—A. No.

Court. Was the poison corrosive sublimate?

A. Yes, my Lord, in solution.

Court. Is it the result of the experiments you have tried, that animals may be poisoned with corrosive sublimate, and the poison not afterwards be detected by the nicest experiments?—A. It is.

Court. At what distance of time after the animal was poisoned, did you make the experiment on the contents of its stomach?

A. The dog was opened about twelve hours after death; the fluid taken from the stomach was kept in my possession about twelve hours more for the purpose of permitting the impurities to subside, and the experiments I entered upon were some days in performing.

ELIZABETH NICKSON, *called again.*

Mr. Topping. Elizabeth, in the course of the examination of one of the witnesses about an emetic having been given one of the servants some days before the deceased was taken ill; you, I believe, was the person alluded to?

A. I took an emetic about a week before Miss Burns died.

Q. Did she take one about the same time you did?

A. No, she did not, that I know of.

Q. Did she take one within a day or two of that?———A. No, she did not.

Q. Then you deny the fact of her having taken any emetic within a short time of that?

A. No, I do not.

Q. Well, did she take one, some time before her death?—A. About a fortnight before.

Q. That is what I want to know—now had it any effect upon her?—A. None at all.

Court. I think you told us that Miss Burns used to keep all the keys of the house?

A. Yes she did.

Court. Amongst the rest did she keep the key of that place where your master's physic stood?

A. Yes, Sir, she did.

Here the Evidence for the Prosecution closed.

The Prisoner then read his defence, which was to the following purport:

PRISONER'S DEFENCE.

My Lord, and Gentlemen of the Jury!

FROM the nature of the crime laid to my charge, I understand the law (for wise purposes no doubt) denies the assistance of an advocate to speak in my defence. This, to me, is a serious deprivation; but whilst I lament the refinement in this part of the trial, I am compelled to submit to the loss. The situation, in which I stand, (however wrongfully placed here), creates no small degree of anxiety and timidity; and the inadequacy of my ability to delineate an honest statement of facts, adds no little to the loss I feel in being deprived of the professional talents of my Counsel; however, I will attempt as concisely as I can, to inform you of the long progression of this lady's illness, which ended in her death, and at the same time account for the uncommon activity which has been shewn by two persons, in instigating, and carrying on the Prosecution against me.

Since the year 1797, the deceased has been occasionally visited with an obstruction in her female evacuations, tending to dropsy: and in the years 1798, or 1799, she was attacked with the same complaint so as to be considered dangerously ill. Application was then made to Dr. Minshull, of Liverpool, and I recollect being present at the Infirmary there, with the deceased, her mother, brother, and sister, when she was strongly electrified, and for some time after took medicine to remove the obtsructions of her usual discharges. In 1802, or 1803, she was afflicted with a return of the same com-

plaint, attended with rather more confirmed symptoms. After much illness, she got better, and lived in my family since the beginning of 1804, till the period of her decease. Her health was by no means generally good, during that time; on the contrary, she was often ailing, and one of the strongest reasons why she was returning to her mother (which intention will be proved by letter) was, that she might get her to consult advice, and try if it was possible to relieve her, as formerly, from such a malady. She would not, on any account, hear of my employing a medical man; her mother must do it; neither was the subject a fit one for me to speak on, either to herself, or medical gentlemen, on her account; else had I imagined any danger more than formerly, I would have insisted on medical attendance. From her debilitated state for several years, and from her ill health all last winter, and I may say to the moment of her death, it is not to be wondered at, if excessive weakness should rupture the coats of her stomach. Although occasionally afflicted, such very short breathing did not appear till the vomiting had nearly ceased, when a shortness of breath caused her to sit erect, as if something had been suddenly displaced. This, probably, was the time when the coats of her stomach were ruptured. After that the shortness of breath encreased, she requested the Castor oil to be given her of her own accord, in order to try, if possible, to remove the inconvenience. The Castor oil I told Mr. Vause, I had administered, on the morning she died, was given for that purpose. She was still of opinion, that the shortness of breathing which encreased, was only temporary, and would go off immediately. At this time a calmness of breathing took place, and she

expressed a wish for wine. Not having any in the house, it was accordingly sent for. In the meantime she lay down on the sofa, and I thought, after the fatigue of such vomiting and shortness of breath, she was going to sleep a little, and that repose would, in some degree, restore her. Not imagining any thing like death, would ensue, I sat down in an easy chair, and after the anxiety I had experienced, not only on my brother's account, who had lately before been deprived of his mental faculties, but also on her's, I fell asleep. Interim, I understand the Cook attended her and returned into the kitchen. During the time I had dropped asleep, the deceased had got from the sofa, in order, as I suppose, to leave the room, and whether a shortness of breathing, or a fainting came over her, I know not, but when the girl came back with the wine, the deceased was found dead, in a recumbent posture, by the door, as has been described; and when I was awoke, I was quite astonished and confounded, not imagining, when I sat down in the chair, that any thing like death was near, nor did she herself seem to think it at all, throughout her illness. Her long illness and weak state of body, will be proved by her most intimate female acquaintance.

Gentlemen, so far from being capable of perpetrating the detestable crime of murder, I have been one, who led a quiet unoffending life, nor was I ever found either exciting public commotions, or meddling with any man's private affairs. I have passed a domestic life, fully occupied with the care of my family, and the education of my children. The extensive business I had been engaged in, is not quite entirely wound up, and I waited the completion of that desirable event, in order to re-

tire from Liverpool. On a strict review of my past life, I do not remember any one act of it, which would lead to a conclusion, that I was one capable of committing murder; and it was impossible that I could have administered poison, or corrosive sublimate of Mercury by mistake, there being none in my possession, but what was expressly labelled on the bottle as such, and the purpose for which this was kept, I will explain.—In the year 1801, on discovering that the moths had materially injured some woollens, I had recourse to this mixture, to destroy them, which I applied to the places where my most valuable carpets were, as I naturally wished to prevent injury to them as well as some blankets and woollens, which I had in my possession. Now, had any, the smallest part of that been administered to the deceased, it must unavoidably have been detected, seeing how readily Dr. Bostock has distinguished Corrosive Sublimate from the Arsenic, of which also the fluid was composed. It was no secret to any of my servants who lived with me at that time, and was a composition of Arsenic and corrosive sublimate of Mercury, and used for the express purpose of destroying the moths. I do not suppose it so easy to destroy a human being by poison, as is generally imagined, and if so destroyed, the act cannot be committed without detection, especially if investigated so closely as has been done in the present instance. Here, although the best and most accurate tests have been resorted to, yet no poison of any kind has been found in the body——Gentlemen of the Jury, remember this—no poison of any kind has been found in the body!—and those persons who have been brought as witnesses against me, admit that the

coats of the stomach may be ruptured from various causes independent of poison. It therefore appears to me hard, that I should be accountable with my life for the manner of this lady's death; and although she had at all times access to my medicines, yet I had too good an opinion of her to suppose that she would intentionally have taken any thing to destroy her own life, and, unless done intentionally it could not be done at all, for she was fully informed and perfectly aware of the deadly quality of the liquid that was contained in these phials. That I should have done that horrid deed, must appear equally improbable, and is an imputation I cannot think of without abhorrence. I would indeed have been one of the most criminal of men, had I done that lady an intentional injury in any respect, much less any thing to affect her life. The care she took of my children, and the interest she evinced generally, for my domestic concerns as well as my interest, made it my bounden duty to preserve rather than to destroy her existence.

I am fully aware of the perilousness of the situation in which my enemies have placed me before you. I am also satisfied in my own mind, that my being brought here, has been more to gratify private revenge, and malicious enmity, than from any knowledge of my having done wrong, or a desire to promote the ends of public justice. Mr. Statham, Town Clerk of Liverpool, and Mrs. ** I shall ever consider the instigators of this prosecution. The latter, merely to gratify curiosity, and promote slander, and the former merely to revenge an old grudge. I utterly disclaim having ever taken any improper liberties with the deceased, and totally deny the possibility of her having been

pregnant by me. The private revenge I can in
degree account for; Mr. Statham has borne me th
grudge because he thought I was the means of pr
venting him being Executor to the will of my la
father-in-law, to which he was once appointed, a
also from being his Solicitor; yet more blame a
taches to him in this affair than to me. All me
will naturally resist disrespect; and had Mr. St
tham on delivery of my father in law's note, re
questing all his papers to be sent home, behave
with that civility which is always due from on
Gentleman to another, perhaps he would have re
mained an Executor to the will. However, th
reverse of civility was Mr. Statham's conduct.—
He did not even deign to wait on the old gentle
man the evening of the day on which the note wa
delivered, but chose to suit his own time in callin
an evening or two after, and when he did call, be
haved in a very boisterous and unprofessional man
ner. He seemed to have forgot that he was out
his department in the Liverpool Exchange, bein
then only Clerk to the Town Clerk, and presen
with his superiors; as such, it appears reasonabl
that he should receive their instructions, so far a
regards their own affairs, with a becoming respec
Age had unfortunately cooled the ardor of the ol
gentleman's mind—he therefore passed the insu
over in peace. Had he possessed his youthful vi
gor, Mr. Statham would have cringed where h
now stormed. Not to any influence of mine
therefore, but to his own self-importance, is Mr
Statham indebted for the want of my father-in-law'
confidence.

Thus, Gentlemen, have I shewn you the cause o
Mr. Statham's solicitude for having my life take
away; at any rate you have a reason for the uncom

mon activity he has shewn in ruining my reputation. But if his object be my life, he might, in pursuing it, have been man enough to have acted fairly in his manner of bringing about its destruction—It looks so like a bad mind and a vicious heart, to stoop to unfairness in a case where life depends, that I never can think well of a man that would way-lay as it were, evidence coming before a coroner, and try to influence their testimony contrary to truth, and when they could not be brought to say what he *would*, what they ever knew or intended to speak, to desire them to go home about their business, and not suffer their Testimony to be heard—yet this was done by Mr. Statham as my witnesses will prove. It bore with it a very strange appearance to see Mr. Topham, who acted as Coroner's clerk, but was, in fact Mr. Statham's clerk, have occasion to stop and go out, leaving the Coroner and the Jury, to enquire what certain witnesses said to Mr. Statham, before he would take their Testimony down as given in presence of the Coroner and Jury. Then Mr. Statham comes in where the Coroner and Jury were, and in a commanding peremptory manner, calls out to the witness then in examination "did you not say so and so to me when you were out, just now?" upon which the witness is commanded by the Coroner to turn face to face to Mr. Statham, and pointedly contradicts him. This was the manner in which the evidence was obtained, and confirms my opinion of Mr. Statham's revengeful inclination towards me.

Parson Vause allows an acquaintance with me of nine years; during that period, I challenge him to say if he ever knew me to do wrong or harm to any one. Such a medicine as a "black puke" is unknown;—yet, that expression as applicable to

the beginning of a disorder terminating in death is frequently used, as in the case of various fevers, in Africa and the West Indies. It is nothing uncommon to say such an one was carried off with a black puke, meaning the color of the matter vomited up, and not of the medicine, of a black color prescribed.—When I used the expression, it was only applicable to the color of the matter vomited up, as must appear by the conclusion of my sentence when taken connectedly. The question was, "what did she die of," and the answer was, "of a black puke," which terminated in a relax, a circumstance not at all uncommon before death.

On my approach to England in early life, upwards of twenty-three years ago, the first situation in which I happened to be placed, was in a Druggist's Counting-house, and having occasion to write the names of medicines during a long space of time, it naturally led me to read such books as would give me information upon those subjects, and as in that house they were much in the habit of furnishing African ships with Surgeons, I had it in my power to get acquainted with many of that description.—I, therefore, not knowing but my journey through life might depend upon my medical knowledge, naturally consulted them as much as I could. Much stress has also been laid in the prosecution, on a particular instrument which I had in my possession, but the application of which has been totally misrepresented; it was never intended for any purpose relative to women. As I had studied Bell on the venereal disease, and had cured many venereal cases, it was in these instances that I applied it—The instrument was much longer, and as thin as a knitting needle, and this probe was

neither more nor less than to be introduced into men's urethras, in cases of stricture or warts. I proposed it to have been chisel pointed, and he recommended the other as better, and the instrument is not too thick for boring my eldest daughter's ears, but she had an inflammation in her eyes, and I was therefore dissuaded from using it, and that is the reason why her ears were not bored.

I am now before the judgment of men, and as God is present with us, and I must be accountable to him when I go hence, I declare, that I am innocent of the crime for which I stand here, and of all kinds of murder, or intention to murder, directly, or indirectly. Indeed, after the stigma which has, in this instance, been attempted to be thrown upon my reputation, (unfortunately for me, with two much success) life would be insufferable, were it not accompanied with a full consciousness of innocence. But having that consolation, and a full conviction that the Great searcher of hearts is satisfied of my innocence, I feel less what man may think.

In alluding to this instrument, I forgot to say, that the conversation which I held, regarding the application of it to women, was merely the recital of what passed with a young gentleman from Edinburgh, and who told me that it was like an instrument that was used for that purpose.—It would appear that my enemies, during my confinement, had taken every opportunity, by inflammatory reports, to excite the feelings of honest men against me, who ought at all times to discountenance such vileness, and such disgraceful practices. That I have mentioned such an application of the instrument to women, is true, but I defy any man to say, I countenanced it; on the

contrary, whenever I spoke of it, 'twas always with the most marked contempt. Therefore as God is to judge me, I never administered any poisons whatever to the deceased lady.

Gentlemen, I submit to your judgment, and as you are upon your oath, I call upon you to remember that there has been no satisfactory evidence adduced, to prove, that this lady was either murdered or poisoned by me, or by any other person whatever. She died by the visitation of God, through excessive vomiting, operating on her delicate constitution, without the intervention of any human means. Yet, we see how easy a thing it is to accuse. But in this country, thank God, accusation, without clear proof, avails nothing, when a man's life is at stake. If I must die in consequence of this charge which has been brought against me, more from motives of revenge and enmity, than to promote the ends of public justice, I will die, with this assurance, that my enemies must give an account to the same unerring God, I am to be judged by, and who is more able to estimate the rectitude of their motives, than any earthly tribunal. Such an opinion, however, has been instilled into my mind, of the integrity and impartiality of a British Judge, and of a British Jury, that I consider my life safe in their power, well knowing they will not exercise that power unduly, but conscientiously, as they must be hereafter answerable to their God for the use they make of it.

EVIDENCE FOR THE PRISONER.

MARTHA BARTON, *sworn,*

Examined by Mr. Topping.

Q. You live in Liverpool?—A. Yes, Sir.

Q. Did you know the late Miss Burns?

A. Very well, I have known her for six years.

Q. For the last six years?—A. Yes.

Q. Did you know her intimately Ma'am during that time?—A. Yes Sir, I did.

Q. I believe your daughter and Miss Burns were very intimate together?

A. The only acquaintance Miss Burns had.

Q. Did you know the mother of Miss Burns?

A. I did, Sir.

Q. How long Ma'am?

A. Longer than Miss Burns.

Q. Did you know the family of the mother, as well as the mother?

A. Yes——Mrs. Burns was afterwards Mrs. M'Quiston.

Q. Her first husband was Mr. Burns, and her second Dr. M'Quiston?—A. Yes.

Q. Now what was the state of health of the mother?—A. She was inclined to be dropsical.

Q. Now Ma'am I would ask you as to Miss Burns herself?

A. Why Sir, she had been very poorly for the last twelve months.

Q. And has complained to you of being ill?

A. Yes, for twelve months before she died she has frequently complained to me of being very poorly.

Q. What was her appearance Ma'am?

A. Why, Sir, she seemed to be very much puffled, and swelled at her stomach, and told me she was not as she ought to be.

Q. You are speaking now Ma'am of twelve months before her death?—A. Before her death.

Q. Did you make any observation on her breathing, whether she had any difficulty of breathing or not?

A. She had a very great difficulty of breathing.

Q. Now, do you remember Ma'am having any conversation with her, a few weeks before her death?

A. Yes—she called upon me about three weeks before her death—she said she was very ill, Sir, and asked me if I knew of any thing that would be of any service to her.

Q. In what respect did she state herself to be ill?

A. Why, she was not as a young woman ought to be, she was very ill.

Q. You mean that she was in a state that is said to be irregular?——A. Yes.

Q. Well, Ma'am?

A. I told her I had heard that Welch's pills were very good for a person in that situation; she told me she had taken of them, and that they had been of no service.

Q. What did you say to her, Ma'am, on telling her that?

A. She told me that as I had a large family, I might know of something. I told her I had got the Grains of Paradise and pounded it small, and had given it to my daughter in a little common gin.

Q. Did you recommend it to her to try the same medicine?

A. Yes, I told her my daughter had got her health through taking that.

Q. And you recommended it to her?

A. I did, Sir.

Q. Did you see her after that time?

A. Never—to speak to her.

Q. Did you see her at a distance?——A. Yes.

Q. You are sure you never saw her to speak to her after the time you have been speaking of?

A. No, I saw her about ten days before she died.

Q. What was her appearance—did you observe any alteration?

A. No, she seemed just as before; she could not breathe well.

Q. Did she mention to you, Ma'am, how long she had been in that state of irregularity?

A. She said she was coming from Scotland, and had got cold in———

Q. How long, Ma'am, did she tell you she had been in that way?

A. A few years—I suppose five years.

Q. And she told you she had got cold in coming from Scotland?

A. Yes: she said she had been overturned in the water in getting out of a vessel into a boat, and had caught cold.

Q. During the six years, you have told me you were acquainted with her you must have had converation with her on the subject of medical men?

A. Yes, she said she did not like them.

Q. We have heard she was a close penurious woman?

A. Yes, she was of a very careful turn.

Q. Pray, Ma'am, were you examined before the Coroner?

A. No, Sir, I went and stopped all day: I wished to see Dr. Gerard, and could not get to see him.

Q. How came you not to be examined?

A. I cannot tell:—I went to Dr. Rutter's first,

and the lady told me I had better go to the Exchange—I said I would go to Dr. Gerard's.

Q. Did you see Mr. Statham?

A. Yes, he asked me some questions, and I answered him.

Q. Now, after you had had these communications with Mr. Statham, did he bring you before the Coroner or not?

A. No, he said I might sit down where I was: I did so, for about two hours or so, and then he said there was no occasion for me.

Q. Now, ma'am, as you have told us you are a married woman and mother of children—I would ask you, from the appearance this lady presented to you, did you consider her as a person in a state of pregnancy?

A. I never did, Sir,—for twelve months that she used to call upon me before she died, my husband used to say to me, "Martha, I think you won't have Miss Burns long, for I can perceive her going."—

Cross-examined by Mr. Serjeant Cockell.

Q. Why, she was in a dropsy, was she not, and very much swelled?

A. Yes, Sir, very much.

Q. Aye, very much—always afraid of a dropsy, was she? very big in her belly all this time?

A. Very.

A. Aye, so I thought—and the dropsy grew worse?——A. It did, Sir.

Q. And she was very short-winded, I dare say, was she not?——A. Yes, Sir.

Q. Yes, to be sure—now, you know a dropsy will proceed—the belly will grow larger?

A. It will.

Q. No doubt of it—and you say she encreased and grew larger in her person, no doubt of it—and when you saw her three weeks before her death she was a good deal encreased and swelled?

A. Yes, she seemed to be swelled and puffled very much, and could scarce breathe—

Q. Yes, no doubt, and her body, of course, went larger—and, you know that might deceive persons about her being with-child?

A. I never thought so, I had a sister who died of the same complaint.

Q. No—no—*you* never thought so—but she began to grow more dropsical at last—and then she grew larger in her body?

A. I cannot say that—but she grew worse in breathing.

Q. O, she grew worse in breathing—you have borne children yourself?—A. Yes.

Q. Perhaps it may never have happened to you to have a little short-breathing?—A. No.

Q. No.—But perhaps you know some persons in pregnancy have symptoms which they sometimes call a dropsy?

A. Why, Sir, she was very much swelled at her stomach.

Q. Now, good woman, do attend to my question—I ask you this—did she not look large in her body?

A. She looked as she had done before, for twelve months past.

Q. And so she complained, did she, that she was not as young woman ought to be?

A. Yes.

Q. She did—and applied to you for advice?

A. Yes, she asked me if I could recommend her any thing.

Q. Yes, and you recommended her Welsh's Female pills?

A. I did, and she said she had tried these.

Q. Yes, but they were of no service?

A. No.

Q. So then she wanted a little of *your* advice?

A. Why, Sir, I have told you all I know.

Q. Well, I suppose you believed every thing she said?

A. She asked me what I knew that might be of service to her—

Q. Very well—now who sent for you to the exchange?

A. Why Sir, my own conscience told me to go.

Q. O, your conscience told you, did it, why what did you know about it?

A. Why I knew she had called upon me, and I knew how it was, and I wanted to tell.

Q. Aye, so I expected—you wanted to tell, and they did not think it mattered to hear it?

A. No—they said I might go home.

Re-examined by Mr. Topping.

Q. Other People went—and you having known her, went likewise?—A. Yes, I did.

Q. I believe you don't know whether any that were intimately acquainted with her, were examined?

A. No.

Q. And she had been for twelve months in this state, exhibiting a large appearance, which though it might deceive others, could not deceive you, as you knew her situation?—A. Yes.

Q. And I think you say upon a cross examination of my friend's that she had buried a sister?

A. No, I said, I buried my sister.

Q. Oh you buried your sister—then your ha-

ving had a sister yourself that died of a dropsy, did this lady present the same appearance to you that your sister did?

A. She did.

ELIZABETH JONES, *sworn.*

Examined by Mr. Scarlet.

Q. Elizabeth Jones, I believe you are the daughter of Mrs. Barton?—A. Yes, Sir.

Q. How long have you been married?

A. I was married last December but one.

Q. Were you acquainted with the late Miss Burns?—A. Yes, Sir, I was.

Q. Were you intimate with her?

A. Very intimate.

Q. How long had you known her?

A. Between five and six years.

Q. Were you in the habit of visiting her very often?—A. Yes, Sir.

Q. Did you ever sleep in the same bed with her?

A. Yes I have—for a week together.

Q. Now, since the time you first saw her, what was the general state of her health?

A. When first I knew her, she was in very good health, but she began to fall off.

Q. Now, from what time?

A. About two or three years back.

Q. And to complain?—A. Yes.

Q. What did she complain of Mrs. Jones?

A. Of a shortness of breathing and an inward weakness.

Q. Did you ever know of her being electrified?

A. Yes, Sir, by Dr. Minshull.

Court. How long was that ago?

A. I cannot say—it was before I was acquainted with her.

Q. Has she told you of it?——A. Yes.

Q. Now, you say she began to fall off, and to complain about two or three years back—did her complaint increase?

Q. Yes, Sir, I told her I thought she looked very ill, and she replied she was not regular, and wished to see her mother.

Q. How long ago might this be, Mrs. Jones?

A. About two years back, that she complained so much.

Q. But do you recollect how long before her death it was, that she wished to see her mother?

A. Not many weeks.

Q. Do you know, from your acquaintance with her, from the time she first complained, about two years ago, whether that irregularity was one of her complaints?———A. It was.

Q. Were you in her confidence very much?

A. Yes.

Q. Do you recollect any time, and how long before her death, being present at any conversation between her and Mr. Angus?

A. Yes, on the Sunday but one before she died.

Court. She died on the Friday—and you are speaking of what happened the Sunday but one before the Friday?

A. Yes—I went to drink tea with her, at Mr. Angus's, and after tea, I said to Mr. Angus, I thought she was better than she had been, and he said he did not know; he wished to call in advice.

Q. What answer did she make?

A. She said—" hutt, I'll have no doctors—they are nothing but expence, they can do me no good."

Q. Had you observed any alteration in her person?

A. No, Sir, I thought her the same as I had seen her the February but one before she died.

Q. That was twelve months before?

A. That was twelve months.

Q. After the February but one before she died, did you take notice whether her person began to enlarge?

A. She was as large then as when she died?

Q. Are you confident of that, Mrs. Jones?

A. Yes, Sir, I am confident, for I have been with her in her dressing room.

Q. Did she continue in the same state throughout the year?

A. Yes, Sir—I saw no difference, increasing or decreasing, from the February but one before she died, to the time of her death.

Q. You had seen her undress'd—had you not?

A. Yes.

Q. Frequently?

A. No—but once or twice.

Q. During that time?

A. During that time.

Q. Now, from all the observation you made upon her person and appearance, had you any reason to think she was pregnant?

A. No, Sir, I never suspected any thing of the kind, and I could not think she was.

Q. If she had been so—from your intimacy with her, and her confidence in you, were you likely to have known it?

A. I do expect so—I think I should have known it.

Q. Have you any doubt of it?

A. No, I have no doubt I must have known it.

Q. Do you know what she thought or said, was the nature of her complaint—not just before her death but a twelve month before?

A. She said—she felt herself going very fast—and——

Court. When was that?

A. About twelve months before her death.

Q. You were going to add something?

A. And she said broad-chested people almost always went off in dropsies.

Q. Do you recollect her being short in her breathing?——A. Yes.

Q. When did you first observe that in her?

A. Some time before her death, I cannot say exactly.

Q. Did you happen to be assisting in dressing her any time before her death?

A. A few weeks before her death.

Q. You were with her when she was dressing?

A. Yes.

Q. Did you make any remark on her person.

A. I said she was thin—and she said—"I am not half the person as when you first knew me."

Q. What further did she say? Do you remember her saying any thing about what she had taken in the Summer?

A. She said if it had not been for the wine and bark which Mr. Angus had insisted on her taking, she should have been gone long before.

Q. Did she say, when it was she had taken that bark?

A. No, Sir; it was the Summer before she died.

Q. Do you know of her taking it then?

A. Yes, I have been present then.

Q. Now, I would ask you, when, a few weeks before her death, you were dressing her, or seeing

her dressed, did you make any remark upon her bosom?

A. Yes, I said she was uncommonly flat-bosom'd; she said, she was not half so plump as she used to be.

Q. Was that the fact?——A. Yes.

Q. Now, do you recollect being with her about ten days before her death?

A. On the Sunday but one.

Q. Now, you had occasion to see her often at Mr. Angus's house?—A. Yes.

Q. Had she the full management of the house?

A. She had.

Q. All the keys, had she not?

A. Every key belonging to the house, excepting the iron bookcase, and his clothes.

Prisoner. My wife's clothes.

Witness. Mrs. Angus's clothes, I mean, not his clothes.

Q. Have you ever known her open that wardrobe, or place where the medicines were put?

A. Yes.

Q. Had she the key of that?

A. Yes, she had the key of that upon her own bunch.

Q. Have you known her make use of that key?

A. Yes, Sir—I have known her go and open different parts of the wardrobe with that key.

Q. Have you seen the contents of that medicine chest?

A. I have seen all the things in the wardrobe. I have assisted to put in the clothes after the drawers had been washed.

Q. Washed with what?

A. With Jacob's water.

Q. What makes you call it Jacob's water?

A. That was the name I have heard Mr. Angus give it—I went there when they were busy doing the drawers, and he said to me—(I was not married then) "is your mother troubled with moths—if she is—she can get quit of them with this."

Q. That was before you were married.

A. Before I was married.

Court. He said they might be destroyed by that water?———A. Yes.

Q. And you saw him using that water to his drawers?

A. I saw him use the water myself?

Q. Did you take notice what was written upon the top—what was the label?

A. No, Sir, I did not.

Q. Did you ever know the deceased, Miss Burns, take any medicines from that chest?

A. I have seen her give the children medicine, when Mr. Angus was in Scotland.

Q. What I asked you was, whether you had ever known her take any herself, as castor oil, for instance?

A. She has frequently taken it, but not in my presence.

Q. But did you know from her mother, she was in the habit of taking castor oil?

A. Yes.

Q. At the time he mentioned this to be Jacob's water, what did you understand it to be?

A. Stuff to poison the moths with.

Q. You did not look at the labels on the bottles?

A. No.

Q. They were labelled?

A. I believe they were.

Q. So that any body that went to the water might see what it was?—A. Yes.

Q. Now, I believe, Ma'am, you saw her on the day she died—you came on hearing the report of her death?

A. Mr. Bigham came for me.

Q. Did you see her laid out?

A. I saw her laid on the sofa.

Q. Did you take notice of the appearance of the size of her person?

A. I did—she was large as she was when she was living.

Q. Now, had you an opportunity, during your intimacy with her, of observing the Prisoner's conduct towards her?——A. I had.

Q. Now, I would ask you, whether you ever observed or suspected the least familiarity between them?

A. No Sir, I never did.

Q. Was his conduct tender and humane towards her?—A. Quite so.

Q. Do you happen to know, whether about the period of her death or shortly before, she had been making preparations to go to her mother?

A. Yes, she told me, when she had made a piece of linen she was about, she intended to go home.

Q. How long before her death was that?

A. Two weeks.

Cross-examined by Mr. Holroyd.

Q. Mrs. Jones, I think the water with which the drawers had been washed, Mr. Angus called Jacob's water?

A. He said "Jacob's water—stuff to cure the moths."

Q. You don't know yourself about her being electrified by Doctor Minshull?

A. No—it was before I knew her.

Q. Dr. Minshull is dead, I believe?—A. Yes.

Q. You were very much in her confidence?

A. Yes.

Q. And frequently slept with her?—A. Yes.

Q. And she consulted your mother when she was not regular, to have her advice?—A. Yes.

Q. Not wishing to have advice from any Doctors?—A. Yes.

Q. How far did your mother live from her at the time she was taken ill, when she died?

A. It is not very far—in Hunter-Street about a quarter of a mile off.

Q. How far did you live from her?

A. I lived with my mother.

Q. You were not sent for during her illness notwithstanding your intimacy with her?—A. No, I was not.

Q. Neither of you, to your knowledge?—A. No.

Q. How long before her death was it that you had seen her undrest the last time?

A. Indeed I cannot exactly say—a few weeks, perhaps three or four.

Q. So little as that?—A. Yes.

Q. And do you mean to say, Mrs. Jones, recollect yourself, that there was no appearance of pregnancy at that time?

A. None at all that I should suspect.

Q. Will you take upon yourself to say that she was not with child?—A. Yes I could.

Q. You would swear she was not with child?

A. I am sure she would have told me.

Q. Then it is only because she had not told you she was with child, that you would swear she was not?

A. No. I am sure she was not from her appearance.

Q. What time was it you were sent for, on the morning she died?

A. I believe she died about twelve—and it was between twelve and one I was sent for.

Q. Then immediately after her death you was sent for, though you had not been sent for before?

A. Yes.

Q. Not before Mr. Bigham came?—A. No.

Q. Did you see Mr. Angus when you went?

A. Not at first.—Not until she was carried up stairs.

Re-examined by Mr. Scarlet.

Q. Now, Ma'am, I would ask you whether, from your intimacy with her, and your familiarity together, you were not a better judge of her appearance than persons that were strangers?

A. I think so.

Q. Do you know her hand writing?

A. Yes, I do.

Q. Do you know whether that is her hand writing? *(handing a letter to the witness)*

A. It is her hand writing.

Q. Have you ever seen that letter* before?

A. I have seen several of hers.

Q. Have you ever seen *that* before?

A. I have seen it before.

JANE OVERHIN, *sworn.*

Examined by Mr. Cross.

Q. Jane, I understand you were formerly a servant of Mr. Angus?

A. Yes, Sir, I was, about eighteen months ago.

* The letter was intended to have been read in Court, but it was afterwards thought unnecessary.

Q. What state of health was Miss Burns in when you lived with him?

A. In a very poor state of health.

Q. Do you remember the drawers, or the place where he kept his woollen goods?—A. Yes, Sir.

Q. Do you remember their being rubbed with any thing?——A. Yes.

Q. For what purpose?

A. To keep the moths from the clothes, Sir.

Q. Do you know what it was they were rubbed with?

A. I think it was Jacob's water, Sir.

Q. Have you ever heard Miss Burns, the deceased, say any thing about doctors?

A. Yes.

Q. What did she say about them?

A. Mr. Angus asked her would she have a doctor when she was poorly, and——

Court. You have heard him, have you?

A. Yes.

Q. And what did she say?

A. She used rather to smile, and say no doctors would do her any good.

Q. Do you remember where the medicines were kept?———A. In the wardrobe, Sir.

Q. Who kept the key of them, do you know?

A. Mr. Angus, Sir.

Q. Then you have seen the place open?

A. Yes, Sir, I have.

Q. Was the key of this place kept amongst a bunch of keys, or was it kept separate.

A. I believe it was.

Q. Have you called at the house since you left the service?———A. Yes, Sir.

Q. Have you seen Miss Burns frequently, when you called?——A. Yes, Sir.

Q. How did she appear to you?

A. She was in a very poor state of health, Sir.

Q. Had you any reason to suppose she was with child?

A. No, I had not.

Q. What is your opinion on that subject—Do you think she was?—A. No, I do not think so.

Q. Were you examined before the Coroner?

A. Yes, I was examined at Liverpool.

Q. Who brought you there to be examined, Mr. Statham?——A. Yes.

Q. Did you give the same account before the Coroner that you have given to-day?

A. Yes.

Q. That you believed she was not with child?

A. Yes.

Cross-examined by Mr. Raine.

Q. And a little more you gave before the Coroner, did you not, Jane?———A. Yes.

Q. Yes—and now I will remind you—Miss Burns used to breakfast with your master, in his bed-room, did she not?——A. Yes.

Q. At that time you were not permitted to take the things into that bed-room, were you?

A. I was never forbid.

Q. Upon these occasions, when she breakfasted with your master in his bed-room, did you ever carry the tea-things into the room?

A. No, Sir, I never did.

Q. Who took them from you at the door?

A. Miss Burns.

Q. Upon your oath, did you not tell her that she gave great liberties?——A. Yes, Sir, I did.

Q. Did you not ask her whether she was to be married to the Prisoner?

A. Yes, Sir, I did.

Q. Was it not in consequence of the liberties you saw her give him, that you put that question?

A. Yes, Sir, it was.

Re-examined by Mr. Cross.

Q. Did they make any secret of this?

A. Not any.

Q. Was this the case when he was unwell, or any thing of that sort?

A. I believe it was.

Q. Did you make the beds in the house?

A. Always.

Q. Had you any reason to believe that there was any indecent familiarities between them?

A. Never.

DR. JAMES CARSON, *sworn.*

Examined by Mr. Scarlet.

Q. Dr. Carson, I believe, Sir, you are a Physician at Liverpool?——A. Yes, Sir.

Q. How long have you been engaged, Dr. Carson, in the profession?

A. It is about nine years since I began to practise.

Q. Had you an opportunity of seeing the stomach and uterus of this deceased lady?

A. I had.

Q. Who shewed it to you, Sir?

A. I saw it in the presence of Mr. Hay.

Q. Did you examine it, Sir, as far as you could at that time?——A. Yes, Sir, I did.

Q. You have heard the evidence of the Gentlemen who have been examined to-day?

A. I have.

Q. Now, I'll confine myself first to the stomach—did you observe the same appearances Mr. Hay has described?——A. I did.

Q. Now, Sir, I would ask you, what is your opinion respecting the probable or possible cause of that hole in the stomach?

A. My opinion, Sir, is, that it must have taken place after death.

Q. Will you be so good as to state your reasons?

A. In the first place—I cannot conceive any poison of so acrimonious a nature taken into the stomach, as to produce a hole of the magnitude that this was, without at the same time producing other destructive appearances throughout the whole surface of the stomach; for, from the agitation of the body necessarily excited under violent pain of the stomach, and from the action of vomiting, this poisonous substance must have been tossed from one part of the stomach to another. Farther—upon the supposition that this hole had been occasioned by acrimonious poison, it must have been occasioned when that poison was in the greatest quantity, and greatest concentration on the stomach; therefore, that hole, as the poison was all washed out of the stomach at the time of death, and none was to be found there, nor in the intestines, must have been produced some time before death, if occasioned by an acrimonious substance, and in that case the greater part of the fluid, that had been taken into the stomach must have passed through this hole into the general cavity of the belly.—Besides, my Lord, in this case, those symptoms do not appear which usually accompany such a horrible poison as this must have been.

Q. State then, Dr. Carson, what circumstances generally take place on such occasions?

A. From all the histories I have read of mineral poisons, I am led to believe that the most violent

convulsions have always preceded death, accompanied with great anguish, and the most horrible pains, such as have been by no means described in this case. The three great constituents, then, which form the proof of poison—namely, the existence of poison in the stomach itself, which is the strongest; the appearances suitable to such poison, upon dissection; and the symptoms which accompany the action of it, previous to death, are not found. It has generally been supposed by cautious men, that a plain proof of poison cannot be maintained, and plainly declared, unless in a case where these circumstances are found combined. But a hole in the stomach after death, is by no means an uncommon appearance. We are informed by Morgagni, Mr. John Hunter, and other eminent authorities, that there are various instances of a hole being found in the stomach, when no previous disease could have been supposed to exist, or any other acrimonious poison taken into the stomach.

Q. I would beg you, Dr. Carson, not to be quite so long—but yet to state your opinion distinctly and fully, though I am aware it is not very easy to be concise, on a subject of this nature. But I would beg to ask you this, Sir—from your own experience, from what you have read, and from the best judgment you can form, do you upon the whole, think it most probable, that the hole in this stomach, was produced after death, or the contrary?

A. It is my decisive opinion, that it was produced after death.

Q. You have mentioned, Mr. John Hunter, Sir; and you have heard the statement Mr. Hay has made, with which you say you agree, that the cir-

cumjacent parts of the hole were *pulpy*, *tender*, and *ragged*. Now, give me leave to ask you, Sir, whether this appearance does not exactly answer the description given by Mr. Hunter, of the state of a stomach corroded by the gastric juice?

A. It is fortunate, Sir, that I copied Mr. Hunter's account, and it agrees word for word, with what we have heard in evidence, as to the state of the parts about the hole.

Court. What does it apply to, Dr. Carson? does it apply to the appearance of the hole found in the stomach, where there has been no previous disease, nor any acrid substance taken into it?

A. Certainly, my Lord, the case could not admit of any thing of that kind. There are three particular cases, mentioned by Mr. Hunter, which I will briefly state—The first was the case of a man, who had been killed by a stroke on the head from a poker, and had died instantly. He had eaten a plentiful supper of beer, bread, cheese, and animal food—Now in this case the influence of the gastric juice, is out of the question—Mr. John Hunter's inference is wrong, though the fact stands good; the fact is, the stomach was corroded, and the contents of it were found, upon dissecting the body, to have passed into the cavity of the belly, in contact with the spleen, liver, &c. The next case in which he observed this appearance, was in the stomach of a man, whose skull had been fractured by a brick bat. Now the circumstances were more remarkable here, for not only was the stomach corroded, but the adjacent side of the spleen was consumed, the diaphragm even was perforated, and the contents of the stomach were found in the cavity of the thorax, in contact with the lungs. The third case, which he particularly mentions, was

that of a soldier who had been executed—Now, Sir, it appears to me, that this appearance is to be accounted for in the following way. From the experiments of Sir John Pringle, which were afterwards confirmed by Dr. M'Bride, we know that water, at the temperature of 90 degrees, especially if that portion of common salt which we usually take with our food, be mixed with it, will dissolve animal substances in fourteen hours. Heat, moisture, and confined air, from the experiments of these men, are the great promoters of the solution of animal substances. Now, my Lord, in the ordinary cases of death, the vital principle is not destroyed, till the heat of the body is reduced to a low temperature, nearly to that of the surrounding air; but in cases of sudden death, the vital principle is destroyed, when the heat of the body is still at the standard of ninety-six degrees; as the human body is a slow conductor of heat in the stomach, there may have been such a degree of heat, combined with liquid and confined air, as to dissolve the parts in contact with the fluid.

Q. Am I, then, to understand that though you agree as to the facts stated by Mr. Hunter, yet, that as you do not coincide with him in opinion as to the perforations being occasioned by the gastric juice, you have therefore been assigning what you think a more probable cause?——A. Certainly.

Q. But the fact is certain?

A. The fact is certain.

Q. Whether the cause be that which you assign, or that assigned by Mr. Hunter?

A. Certainly.

Q. But what I wish to ask you is, whether in those cases in which holes have been found in the stomach, where there has been no previous disease,

nor any poison administered; the appearances, as described by Mr. Hunter, do not precisely correspond with what you have heard stated in the present case?

A. Yes—Mr. John Hunter says the sides of the hole were pulpy, soft, and ragged, and my friend, Dr. Gerard described the appearances of this hole to me, to be such as if it had been acted upon by the caustic alkali.

Q. That is the very account given by Mr. Hunter of the appearance of the hole in the cases he describes?——A. Yes.

Q. Does that paper which you have in your hand contain the extract you made from Mr. Hunter?

A. Yes—he says "the edges of this opening appear to be half dissolved, very much like that kind of dissolution which fleshy parts undergo when half digested in the living stomach, or when dissolved by caustic alkali, viz. pulpy, tender, and ragged."

Q. Now, I would ask you this, Sir—did it ever occur to you in your practice to find two cases upon dissection, perfectly alike in all circumstances?——A. Very rarely.

Q. Then, although in the instance Mr. Hunter describes, certain circumstances and appearances might have accompanied this phenomenon, should you have considered it proper to have concluded that that phenomenon could not appear, without being attended with circumstances exactly corresponding?——A. By no means.

Q. Now, if you please, we will speak of the uterus—you have heard the account which Mr. Hay has given of it, and you yourself have seen it—I would now ask you, Dr. Carson, whether, in your

judgment the appearance of that uterus, was consistent with the expulsion of a fœtus shortly before death?

A. Notwithstanding the confidence with which all my medical friends agree upon this subject, there are certain circumstances which render it at least doubtful in my mind—as, for instance, the very great dilated state of the cavity of the uterus; for it is well known that the reason why women do not flood to death, at the time of the separation of the placenta, is the contraction of the womb. In a very short time after delivery, the womb contracts so as almost to abolish its cavity—The womb indeed is larger after delivery, than in the unimpregnated state, but that arises from the thickness of the walls of the womb, not from the extent of the cavity itself; for in those cases in which the cavity is not contracted, there is always a great flooding, and it appears to me that if this womb had lately parted with a placenta, the mother must either have flooded to death, or the womb must have been gorged with coagulated blood.

Q. Now, as you have heard from Mr. Hay, that no coagulated blood was discovered in the cavity of the uterus, and as you collect from other circumstances, that she could not have flooded to death; upon the supposition of her having flooded to death, would not her clothes, in that case, have been drenched with blood?

A. Not only must her clothes have been drenched with blood, but the floor also must have been covered with it, if she had flooded to death.

Q. Now, Sir, under these circumstances, on the supposition that the womb could not recently have parted with a fœtus, can you assign any other cause for those appearances, which these gentle-

men have thought to indicate the recent expulsion of a child?

A. I think, that the most probable cause, independent of pregnancy, is a dropsy of the Hydatids, a common complaint, and of which Astruc gives many instances. These Hydatids are attached by Pediculi to the internal surface of the womb, and when by an action being excited in the womb, similar to parturition, these Hydatids are expelled, the mouth of the womb is dilated.

Q. Now in the case of a dropsy of the Hydatid kind, as you have stated, would the womb be left in the enlarged state, without contraction?

A. Though it should not contract very much, the vessels nourishing the Hydatids may be supposed so much smaller than those nourishing a fœtus, that, in a state of undue contraction, such a flooding may not take place upon the expulsion of the Hydatids.

Q. Well, then, I understand that, in your judgment, the distended cavity of the womb, unaccompanied either by coagulated blood within, or the circumstance of a flooding, can only be accounted for in the way you have described—namely, a dropsy of the Hydatids?

A. I cannot say it is the only way; but if neither of the two circumstances I have stated took place, it is physically impossible that that womb could have parted with a Placenta.—If the woman had not died of a flooding, or if no coagulated blood, compressing and plugging up the vessels of the womb, was found on examination of the uterus, then, I say, it is physically impossible that it could have parted with a placenta.

Q. Now, Sir, do you agree with Mr. Hay in his statement that the woman did not die of a flooding?—A, I certainly do.

Cross-examined by Mr. Serjeant Cockell.

Q. Pray, Dr. Carson, was you originally bred to Physic?——A. I was not.

Q. When you first came to Liverpool, I believe you did not practise as a Physician?

A. I did not, I attended the prisoners of war as a Surgeon.

Q. You have had great practice in midwifery?

A. No.

Q. Dr. Gerard, I believe, has had a very considerable practice?—A. I believe he has.

Q. You have seen a number of Uteri?

A. Yes, but in this case, it is entirely a physical question arising from mechanical principles, with which extensive practice has little to do.

Q. Have you ever practised the obstetric art at all?——A. I have not.

Q. And yet you set up your judgment and opinion against the opinions of this Gentleman, who has been in practice for thirty years?

A. I may surely be permitted to state the impressions of my own mind.

Q. Have you heard the account that has been given of what this poor woman suffered from vomiting and excrutiating pain for two days together?

A. I have.

Q. Has that any reference to what you have supposed might occasion her death?

A. It may certainly; those circumstances apply to a variety of diseases.

Q. But you won't tell me that the vomiting and purging has any reference to what you conjecture?

A. I do—the symptoms were so extremely mild.

Q. You think them mild—purging for two days together—vomiting for two days together—suffering the greatest pain for two days together, and you think these extremely mild symptoms?

A. Mild, Sir, in comparison with those horrible symptoms that accompany the action of an active poison taken into the stomach.

Q. But if a small quantity was administered, not with a view to occasion death, but to occasion an abortion, would the symptoms be equally severe in such a case?

A. Then it could not have destroyed the stomach.

Q. Do you know the quantity of corrosive mercury sublimate in solution that would poison?

A. Between two and three grains are supposed to be sufficient.

Q. And less?——A. Probably it will.

Q. Less will salivate?——A. Yes.

Q. Will it salivate immediately—you know a great quantity may be taken internally, and yet no salivation be brought about?

A. It may certainly.

Q. And you have then recourse to other means to salivate?——A. Yes.

Q. Then, I ask you, if a small quantity of the solution of mercury sublimate was administered, not in a quantity you would suppose necessary to destroy the stomach, whether purgings, vomitings, great pain, and even death might not possibly ensue?

A. I cannot certainly say, with respect to death.

Q. Now, Sir, I would ask you, though you are not an Accoucheur yourself; I would ask you, in examining the womb did you not see the place where the Placenta had been attached?

A. That which was supposed by these Gentlemen to be the place, I suppose I did see.

Q. Now, I should be glad to know, Dr. Carson, whether a dropsy can generate a Placenta?

A. Certainly not.

Q. Then, if you did see that place, where it was supposed the Placenta had been attached, what was it that had been attached, if it was not the Placenta?

A. It might be the attachment of some other substance contained in the womb.

Q. Of some other substance?——A. It might.

Q. Come, Dr. Carson, I will have an answer: what other substance except the Placenta could possibly attach itself?

A. Those I have mentioned are the most probable, the Hydatids.

Q. Will you swear, Sir, that that was not the marks of a Placenta?

A. I can say, Sir, that under the two circumstances, if neither a mortal flooding have taken place, nor any coagulated blood been found in the cavity of the uterus, that a Placenta could not possibly have been detached from this womb.

Q. I ask you, Sir, whether these appearances could have arisen from any thing but a Placenta?

A. I think they might. I think they possibly might be what I have mentioned, the attachment of some dropsical Hydatids.

Q. Have you heard Dr. Gerard say, that he could speak with as much certainty to a Placenta having been attached, as if he had seen the child born?—A. I do not recollect the expression.

Q. Why, good God, you were attending and, taking notes! you must certainly have heard him say, that so evident were the remains of the vessels, that he was as certain of the removal of a Placenta, and could speak with as much certainty of a child having been born as if he had seen it?

A. Whatever Dr. Gerard's opinion may be (and I have the greatest respect for him certainly) yet, as no person can, at any time, be called upon to give up the convictions of his own mind out of deference to another, I certainly do not conceive it improper to declare my own individual sentiments, however widely they may differ from those entertained by that Gentleman.

Q. Well, now Sir, you have been reading for all this, have you not?

A. I certainly have paid considerable attention to the subject.

Q. Have you paid as much attention to it before this affair happened as since?

A. I believe I have.

Q. As much as since—for you have been reading a great deal since?—A. Yes.

Q. How long after the extraction of the stomach and of the womb, was it that you saw it?

A. I suppose it might be about ten or twelve days, I cannot exactly say.

Q. Don't you think that those who saw it in its first form must be better enabled to judge than you?

A. I judge from the description Mr. Hay himself gives.

Q. I ask you whether the appearances at the time the womb was first examined would not give more information than could be afforded after ten days experiments on it?

A. I acknowledge those who saw it first had an advantage.

Q. Did you ever see a uterus in your life opened before?—A. Yes.

Q. Pray what opened the mouth of the womb?

A. Perhaps the expulsion of the Hydatids, in an action resembling parturition.

Q. Why, what do you mean—could the womb have been so far extended in the mouth, unless a fœtus had been discharged?

A. It might have been a good deal.

Q. To the extent you have seen it—now I will ask you on your oath—you have heard to what extent the mouth of the womb here was enlarged, could that happen from any other circumstance but from the discharge of a fœtus?

A. I really cannot say with certainty.

Q. Well—now I'll leave you there; you never delivered a woman in your life?—A. No.

Q. Well; now I leave you there—now we come to another point—you think on account of the greatness of the hole, the stomach must have undergone some other operation after death?—A. Yes.

Q. Why you know the hole was greatly extended when you saw it; it was encreased by pulling it down, and therefore at the time the stomach was taken out the hole was not so large as when you saw it?

A. Very likely not.

Q. So you quote the opinion of Mr. Hunter for the purpose of differing with him?

A. I only differ with him in his theory.

Mr. Serjeant Cockell. Aye, you cite him for one purpose, and differ with him for another?

Re-examined by Mr. Scarlet.

Q. You cite him to shew the phenomenon, of course?—A. Yes.

Q. Would you venture to state any opinion, on a subject which was but mere matter of opinion with the same confidence that Dr. Gerard does?

A. I beg that I may not be desired to answer that question.

Q. You have seen a uterus dissected?—A. Yes.

Q. Then in that you have had an advantge of the Doctor, who, I believe said he had never seen one. Now, Dr. Carson, it has been supposed you have said that the appearance of the womb was inconsistent with the expulsion of a fœtus, and I wish you to correct the misconstruction of your sentiments, I understood you to say, that it is from these two circumstances being supposed, viz. her not having died of a flooding, and the want of coagulated matter in the uterus, that you form your opinion, that it could not have expelled a fœtus?

A. Certainly it is.

Q. You have taken pains to gain information upon the subject, with a view to forming a correct opinion?

A. I have; when I first saw the womb, I entertained some doubt of there having been a Placenta attached, and that induced me to apply for more particular information on the subject.

Mr. JUSTICE CHAMBRE.

Gentlemen of the Jury.

This case which has occupied so much of your time and attention, is certainly a case of a very serious nature, and contains a charge of almost as great an offence as can come before a human tribunal. It is the charge of murder, and the nature of it is this, that the Prisoner, Charles Angus, poisoned a person of the name of Margaret Burns, and by this means procured her death. The offence is laid in different ways in the Indictment; there is one charge in the Indictment, alledging that the Prisoner at the Bar administered the poison him-

self; another which states that he persuaded her to take the poison, and that she, under that persuasion took it and was killed by it; there is another charge, that she being big with-child, and the Prisoner intending to make her miscarry, administered the poison to her; and there is another, charging him with only enticing her to take it; lastly, there is another which seems to come nearer to the fact of the case than any of the former, which is, that Margaret Burns being with-child and intending to kill it, took poison, and that the Prisoner aided and assisted her in that act of taking it. That seems the sort of charge best adapted to the case which is endeavoured to be made out against the Prisoner at the Bar. Gentlemen, the law upon this circumstance has been correctly stated by the Counsel for the Prosecution, when he told you, that though the intention of the Prisoner might not be to cause the death of Margaret Burns, yet, if he gave her a medicine to create a miscarriage, and death was the consequence of that act, the law would hold it to be murder. It is so in a great number of other offences, where a man intending to commit one felony, commits another; if death ensues from a wicked and an unlawful purpose, the consequence of the death so ensuing, is that the party will be guilty of the crime of murder.—So, Gentlemen, the law stands, but it will be for you to apply the facts before you in this case, and to apply the law as thus stated to those facts, according to your judgments on the evidence that is given of the facts themselves. The evidence to prove this charge is not direct; it all depends upon circumstances, and you are to judge of the force of those circumstances.

Elizabeth Nickson is the first Witness called, and she says she was a servant to the Prisoner at the Bar, Charles Angus, that she had lived with him only four weeks at the time of the death of Margaret Burns, who, she says, was house-keeper and Governess of his children. The name of the Cook in the service of Mr. Angus, was Ann Hopkins, and she came into the service at the same time as this witness. The business of the Witness was to make the beds and clean the rooms. The deceased never, as far as the Witness could discern, appeared otherwise than as a healthy woman until the Wednesday morning, the twenty-third of March, and she does not know that she had taken any thing the day before. A little before six in the morning, the deceased, she says, passed her in the lobby and was going up stairs from the parlour. She observed nothing particular on that occasion. The Witness saw her again about a quarter before nine, sitting in the breakfast parlour; when she saw her this second time, the deceased appeared very ill, indeed; however, she took her breakfast, and after taking the breakfast was very bad.—When the witness fetched the breakfast tray away, the deceased was lying on the sofa in the parlor; when she had occasion to move, she says, she could not do it without leaning upon the chairs, and that the witness supposes proceeded from the pain in which she felt herself. The Prisoner, the deceased, and the three children of the Prisoner breakfasted together, and about an hour and a half after breakfast the deceased ordered some water gruel, which she drank. In the course of the day, the witness says, she thinks the deceased drank near three quarts. She was sick the whole day, and continued in pain, vomiting very

often; she did so almost immediately after she at any time drank of the liquid. The colour of the vomiting was at first very black, but towards the last it turned rather green. She remained in the parlour, the witness says, the whole day; the Prisoner was not out of the house during the whole of that day that the witness knows of; he was very much in the parlor during that day, and Miss Burns remained in the parlor all night. The witness brought down a counterpane, which she was ordered to do by the deceased. She also brought down two pillows and an easy chair, (of which the Prisoner afterwards made use). All this was done by the direction of Miss Burns. Her Master, at the time, was, however, in the parlor. The witness herself went to bed at ten o'clock, and the next morning, got up at six. On the Wednesday night, before she went to bed, she had offered to sit up with Miss Burns; she made the offer to her Master in the presence of the deceased, but the Prisoner said "No, no, Betty, go to bed:—you will have your work to do, and I will sit up with her." About ten minutes after the witness got up the following morning, she went into the parlor (this was on the Thursday morning) along with the Cook: her master and Miss Burns were there.—She says they found her in a similar condition as she had been in the preceding day, with a pillow under her head—she continued vomiting till towards the evening. She took nothing that morning but a little gruel, as usual. The Prisoner, she says, on the Thursday, did go out of the house, for she herself let him in a little before three in the afternoon. Towards evening she appeared a little better. The witness don't know that she left the parlor any part of that day; she continued

there till the witness went to bed that night.—The Cook and the witness both again offered them (it seems to be both to the Prisoner and the deceased) to sit up that night; both of them made the answer they had done the night before. The Prisoner, then gave a further reason for his choosing to sit up with the deceased himself, by saying, that he could not sleep for the agitation of his mind about his brother, and that he had been accustomed to sit up with his wife for six months together. The witness don't know that he ever sat up before that Wednesday night. They went to bed a little before ten, leaving the Prisoner in the parlour reading. On Thursday night, the dress of the deceased was, as it had been before, except that she had got a clean bed-gown on instead of something she had worn before. The witness can't say that she had her stays on. About four o'clock on Friday morning, the witness's master rang the bell, that she might attend the children; she went into the parlour, the deceased was then on a sofa, in the same manner as before, she appeared much worse, and breathed quicker. The Prisoner asked the witness for a little cold water, she brought him some in a pint jug and then went to bed again.—The witness got up again about six; she says, that before this time she thought the deceased appeared large; she did not know the cause of that appearance of a large size, being a stranger to the family till she came into the house about a month before. The Cook and she, always got up together, and they both went into the parlour as soon as they got up on this Friday morning. She says, the Prisoner and the deceased were there, and the Prisoner, when they went in on this occasion was asleep; the deceased was lying in the same place

where she was lying before, and appeared to the witness to be much in the same state. The witness staid in the room about ten minutes, and the deceased continued lying on the sofa. She desired to have some warm beer, which the Cook got her, and as the witness was going out of the room, she was drinking it. Then her account goes back a little to what passed on the Thursday night, and she says, a little before ten she received directions from Miss Burns to fetch her flannel dress down. —In the course of the Friday morning after the deceased was laid out upon the sofa, she found the stays of the deceased not upon her person, and in the parlour, but on the nursery floor; at that time Miss Burns had no stays on; the Prisoner had his own flannel morning dress on. A little before ten, the Witness was sent by the Prisoner to Mr. Winstanley's in Henry-Street, for two bottles of white wine; he lived near half a mile off, and she could not go quick, her foot being bad, and before she returned home, about an hour and ten minutes, had elapsed; when she came in, she went directly into the parlour, and on opening the door, she saw Miss Burns lying dead by the door, cowered of a lump, with her elbows upon her knees, and her face against the wall: at that time, she says, she did not observe her master, for she did not go into the room but only just opened the door, and on seeing the deceased in the situation she describes, she says she ran back immediately into the kitchen, and asked the cook where her mistress was—They both went into the parlour, and the witness cried out loudly; when they came into the parlour, they found it was Miss Burns. The Prisoner was in the opposite side of the room, covered up in a counterpane and fast asleep; the cook

went and awoke him by shaking him by the shoulder ; she says he did not awake with the first shake, but after a little more, he jumped up, and cried out " Good God, what's this !" the witness cried out " she's dead ! she's dead !" and the Prisoner cried " out Good God!" and said " poor Margaret !" The witness says, she don't know of the deceased having any change of linen from Wednesday morning ; her master and the cook took her up and laid her on the sofa, on her back. Immediately after this, the witness went for Mrs. Bigham, the Prisoner's sister, and brought her there, and this she did by the direction of the Prisoner. The witness assisted in taking the cloaths off the deceased ; at this Mrs. Bigham, the witness, and the cook were present, but not the Prisoner ; the cook took the clothes out of the room, and afterwards the body was taken up stairs and laid upon the bed. Mrs Bigham did not leave the house till a late hour on Saturday morning. On the Sunday night, the witness says, she and the cook were with the Prisoner in the parlour about two hours ; the company had gone away, and then he was alone ; while they were with him (the cook and the witness) in the parlour, she says his conversation turned chiefly on the deceased's goodness to him and his children ; she says on the Saturday morning her master went to bed between two and three, after Mrs Bigham went away. He got up again a little after eight ; about nine, she says the washer woman came to her Master's house, and the witness counted the cloaths and her master wrote an account of them in the parlour ; she only delivered to the washer woman a pair of stockings, and a cap, besides a bedgown and petticoat, and those were not discolored, but the bedgown and petticoat were, with vomiting. The body, she

says, remained on the bed till the Jury came, and no medical person was sent for that she knows of, between the Friday, the day she died, and the Sunday morning following. On the Sunday, in the afternoon, Mr. Hay, the surgeon, and Dr. Rutter, Dr. Bostock and Dr. Gerard, and a young man came there. Dr. Rutter, she says, lives just opposite her master's but she does not know where Dr. Gerard's house is. The witness was a good deal about the children; there were two girls and one boy, and their ears had not been bored.—(That question, Gentlemen, is put on account of an inquiry made in the progress of the cause respecting a particular Instrument said to be in the possession of the Prisoner) she says the oldest of Mr. Angus's daughters was seven in June last, and the younger five last March. On the Thursday before Miss Burns died, about eleven in the forenoon, the Prisoner was sitting by her, and he said, Miss Burns, shall I send for a Doctor?—"I will send for Dr. Park, he is the family Doctor," but she said, "No, no, Mr. Angus—he can do me no good." (Now, as the case was opened to you, these words were represented to have been spoken by the deceased in a way, from which certainly, one might have drawn a conclusion unfavourable to the Prisoner at the Bar; but on the witness being desired to repeat them, and to imitate as near as she could, the precise tone and manner in which they were spoken by the deceased, it appeared that she had said this quite in a careless, indifferent way.—Her manner of saying it was only this, "No, no, Mr. Angus"—in an easy, common, conversation-like way.) The witness says, while she, (the deceased) was reaching, she said to the witness—"O, Betty! what bile comes off my stomach!

I wish I had taken an emetic long since."—On her cross-examination, she says, that on the Wednesday morning, before Miss Burns had died, her Master had gone out to read the news: she had frequently occasion to take the bowl, in which the deceased vomited, out of the parlour. When she went for the wine on the Friday morning, she was desired to go as quick as she could; when she came back and opened the door of the parlour she found the chamber-pot had been by the door, and in opening the door it was pushed forwards towards the middle of the room. She says, she found her Master asleep when she came down at six o'clock and went into the parlour; he was at that time asleep in his chair. His mind, the witness says, had been much distressed at this time about the situation of his brother, who, she understood, had become disordered in his understanding. There was a constant fire kept up in the room, and the Cook and she went in whenever they pleased (so, at this time, Gentlemen, you see no particular secrecy was observed). She says she never observed, at any time when she went in, any alteration in the state or condition of the furniture. The Prisoner, she says, appeared much agitated and distressed when he was awoke by the Cook. She says that Miss Burns was of a very penurious disposition. (That question was asked with a view to shew the reason why the doctor was not sent for during the illness of the deceased; that being of a saving turn, she was apprehensive she might have them to pay for, and that it would cost her more money than she chose to part with). She says she had laid about an hour upon the sofa before they took the body up stairs. She says Mrs. Jones was the deceased's most intimate friend, and she

came, not with Mrs. Bigham, but with Mr. Bigham, and that Mrs. Bigham and the witness came together. She says that possibly, in the confusion she was in, she might be the person that had taken the stays into the place they were found in, but she does not believe that she ever really said so. (In short, we have no account how those stays came there, and indeed, if we had, we should not, perhaps, be able to ascertain any thing very particular from that circumstance). The deceased had the key of every thing in the house, of all the cupboards and doors: she had likewise the key of the wardrobe (that is the place supposed to contain the poisonous substances, but however, of this the deceased had the key). The witness thinks it was not probable that, in the day time, the deceased could have been delivered of a child; if at all, it must have been while she was in bed. She says, too, that all the doors in the house except the parlour door are pullied, therefore in opening any of those doors something of a noise would be made. On a second examination on the part of the prosecution, she says it was Miss Burns who first mentioned about her being sent for the Madeira, and her Master gave her a note. Her Master, she says, was not out on the Friday. About seven on Friday morning, the witness went to Everton, not with the children, as she was sometimes accustomed to do, but alone, by herself. She went there for milk and cream, and was in the habit of going there every morning.

Ann Hopkins, says she was the Cook at the Prisoner's, in March last, and had been there about a month at the time when Miss Burns died. She says, Miss Burns generally rose pretty early in the morning, and usually came down about seven.—

On Wednesday, the twenty-third, the deceased came down between six and seven, and went into the parlour, she stopped there but a very little time, and then went up stairs again. She came down again about nine, and went into the parlour, where the witness believes her Master was. About ten, after breakfast, the witness made some water gruel for Miss Burns, she does not know the exact quantity, but believes upon the whole she had a pint, or between a pint and a quart. She went into the parlour about twelve and found the deceased upon the sofa, seemingly very poorly. The deceased complained a little of a pain in her bowels, she was not sick then, but afterwards she was sick, and vomited very much that day. At first the matter was green, and there was something like the inside of an orange or an egg, mix'd with it; there were bits in it, which looked like the inside of an orange, or the yoke of an egg. The vomiting, she says, afterwards turned black; the deceased was very thirsty, and the sickness continued all day. The Witness did not bring her the gruel, and she does not know whether she took all the gruel which the witness had made, it was sent in by somebody else. She says she helped to bring down the easy chair; on Wednesday night, near bed time, she went to Miss Burns, and asked whether she would wish her or the other servant to sit up with her; the Prisoner was there at the time. She asked whether they must make a fire in the room, and bring down their bed into the room, where the deceased was sleeping, but she said, "No, Mr. Angus will sit up with me." She says, Elizabeth Nickson, the other maid-servant, was then in the kitchen, and the witness don't think she was present that night, when any thing

was said about sitting up. On the Thursday, they got up about six o'clock in the morning; she went into the parlour, and when she got there, Miss Burns complained that she was very thirsty, and at that time she was upon the sofa; her master, she says, was there, when she first went in, but he left the room directly after, and went up stairs to bed, and staid there till nine o'clock. She says, the deceased was tired of gruel, so the witness asked if she had any buttermilk in the house; she said no, and then the witness went and got her some buttermilk, and with that made what she calls a water-posset, which the deceased drank, but she did not see her take it. Her vomits were blacker than before.—On the Thursday morning, the deceased said she was much hurt to make water, upon which the witness sliced an onion, and poured some boiling water on it; then the deceased sat upon it and it relieved her. The witness and Elizabeth Nickson went to bed at ten, their usual hour. The Prisoner sat up that night with the deceased. On the Friday morning the witness says she got up a little after six; the bell had rung before the witness got up, and when she came down, the witness went into the parlor, on the Friday morning, and found the deceased lying on the sofa, and the Prisoner was sitting on his easy chair. The deceased asked for a drink of beer; the witness drew it and heated it, and gave it her; at that time, she says, the vomiting had ceased, and the pain had left her. (In speaking of the pain having ceased it was stated to you in the opening of the case, that that might have arisen from the mortification having begun; but how is that possible? for there was no mortification that would have removed the pain, that, therefore, must be attributed to some other cir-

cumstance), she did not say much to the witness, for she says the deceased was very close tempered (by no means of a communicative disposition).—Her breath she perceived was rather short. Between ten and eleven or thereabouts, Angus, the Prisoner, and the deceased, ordered dinner; it might be about a quarter or half an hour after that before Elizabeth Nickson came; when the dinner was ordered, the deceased said, that the witness must make her some barley-water against Betty came. Before the witness left the parlour, she left her a bowl of gruel (which contained a pint). Then she gives the same account Elizabeth Nickson had given of her return, and of her coming in a fright into the kitchen; she says after Elizabeth Nickson had opened the parlour door she came running into the kitchen, and said "Oh! Nancy where is my mistress?" the Witness answered, that her mistress was in the parlour—"Oh! no," says Elizabeth Nickson, "she is not." then they both went together into the parlour, and when they went in, they found the deceased lying dead in the corner, just as they went in; her face was against the side of the wall and one foot lay crudled under her; she did not notice the position of the deceased's arms; the Prisoner was in the room at that time in his easy chair; there was a counterpane on the chair, but to the best of her recollection, there was nothing over him. Betty screamed, but the Prisoner did not seem to awake; then she shook him, seemingly, a good bit, before he awoke, and when he became awake, he said, "My God! what is this?" The Witness said, "Miss Burns is dead," and he said, "Dead! what is this?" He said no more, but he stood a good bit, and then the witness asked him to help her to put the de-

ceased upon the sofa, which he did; they laid the deceased upon her back upon the sofa. She says she does not know that the deceased had any change of linen, from the Wednesday, to the time of her death. The Witness, Mrs. Bigham, and Mrs. Jones, and another person helped to carry the corpse up stairs. The Witness, herself, helped to strip the deceased; she took from her a flannel gown, a flannel petticoat, a shift, a pair of stockings, a flannel waistcoat, and two cloths; she describes these cloths as being below her waist, but she says she had no bandage. These were the articles she took from her body; she had no wrapper on, but there was a flannel wrapper on the sofa: this flannel wrapper was what the Prisoner used for his morning gown. The two cloths were fastened round her thigh, by a piece of tape tied round her body. They took her clothes into the cellar; the witness says, she did not particularly observe the linen, however she recollects that it was wet. It was about half past twelve, or nigher one, that the body was carried up stairs, it might be between twelve and one. She says no doctor attended her from the day she was first taken ill, till the time of her death. On Thursday, the deceased ordered dinner at three, and told the witness, that Mr. Angus was going to advise with a Doctor about her, however, no Doctor came. None came after her death, until the Sunday, in the afternoon; she thinks they came after one, but won't pretend to be positive, as to the time. She says she mentioned to the deceased, either on the Wednesday or Thursday, something about sending for a Doctor, but she replied, by saying, that no Doctor could do her any good; at that time she believes her master was not present. On the Friday morn-

ing before she died, her face appeared rather black, but not fuller than usual. She says, she always looked poorly; she had no stays on when the witness lifted her on the sofa; her dress was the same as it had been before on the Friday morning, only her top things were different. The last time she saw her, the witness says, she did not think her able to dress herself, but she had not seen her on the Thursday night. On cross-examination, she says she never knew either Mr. Angus or Miss Burns before she came to live there. The boy, the Prisoner's boy, is the youngest of his children; when Miss Burns was not well enough, Elizabeth Nickson used to attend them. She knew that the deceased was poorly before she made the gruel, she did not go often into the parlour on the Wednesday after that, but though she did not go in, there was nothing to hinder her but the work of the house; the work, including the trouble attending the care of the children, was as much as the other maid-servant and she could do. The Prisoner went out on the Wednesday morning to read the papers before breakfast, and he breakfasted generally about eight o'clock. The witness was not in the parlour at any time that day, except when the Prisoner at the Bar was there. It was about ten o'clock at night, that she and her fellow-servant asked if they should sit up.—Miss Burns used to sleep with the children; the room where the witness lay, was over the children's room. The witness says she was cleaning about the parlour between six and nine on Thursday morning, while her Master was in bed, and at that time the deceased did not appear so ill as she was on the Wednesday. On Thursday, after breakfast the Prisoner dressed himself and went out. He was not long at breakfast, but he was a considerable

time in dressing himself. It was after three when he came back that day, in the mean time there was nobody to attend the deceased but the witness and Elizabeth Nickson. She did not go into the parlour, but there was nothing but the work she had to do to prevent her. Miss Burns, she says, had no cloths about her, such as are worn by women who have been in child-birth; no cloths of that kind; the cloths (which the witness spoke of before) are such as women wear who are in a particular situation; she untied them, and stripped the body of the deceased by taking away her clothes all down together; she saw no indication of her having lain in, and she imputed what she observed on the cloths to the lax which the deceased had had. There was blood, but not much upon the shift. She did not know of her having the courses usual to women. The Prisoner was much affected and surprised when the witness awoke him; very much affected and surprised when he saw the deceased was dead. On Friday morning the witness was in the parlour between six and seven, and she says the Prisoner at that time was awake in his chair; sitting there in his morning gown; the counterpane was just in the same place as when she afterwards saw him asleep; it was in the same situation as it was in at that time. On Friday, during the whole of the morning, the deceased had the lax; when she wanted assistance about it, the Prisoner went out of the room; when the Witness or her fellow servant went to her assistance, the Prisoner used to withdraw to another place, and when they took the things away, he returned.

Then *Mrs. Lawson* says, she is the wife of Mr. William Lawson of Liverpool, and lives next door

to the Prisoner, she has lived there several years, ten years; she was acquainted with the late Mrs. Angus, she thinks the deceased came to live at Mr. Angus's prior to the death of his wife. She says she saw Miss Burns about three or four weeks before her death, and observed her appearance; she should have judged her, from that appearance in a state of pregnancy; she only saw her twice after this; the first time was on the Saturday before her death, when she passed the window, at which the witness was standing, her appearance then was just the same as before, and she appeared as she usually did in regard to the state of her health; the second time was on the Tuesday before her death, she was passing the house in the same manner as before; two of the children were with her. She says she knew her to be Miss Burns, and on this second observation of her, the witness was strengthened in every thing she had before remarked. On cross-examination, she admits she was not particularly intimate with the deceased Mrs. Angus, nor with Miss Burns; she had visited Mrs. Angus once or twice, but she had never visited Miss Burns; however she had had no misunderstanding with either of them; she had no conversation, she says, with Miss Burns, beyond that sort of salutation which is customary of just moving and speaking, when they met.

Mary Clarke is the next witness called, and she says she is a married woman, and has had nine children, and lived in the next street to the Prisoner: she keeps a public house, and began to keep it in the month of October last. Miss Burns, she says, was in the habit of coming to her house for ale; the witness remarked her appearance some time about Christmas, and she perceived that she afterwards

grew larger. She thinks she saw her at her house a week or ten days before the twenty fifth of March, which was the day of her death. At that time she appeared a great deal larger, comparing her size with what she had before observed, and the witness has no doubt she was in a state of pregnancy. On cross-examination she says she had no intimacy with Miss Burns, and only knew her as a neighbour, coming to her house for ale.

Alice Tellet says she is sister to Mary Clarke; that about November the deceased came to her sister's, and the witness had the opportunity of observing her: she says she thought that the deceased was pregnant; she lived with her sister at that time, and the deceased came frequently for ale; she might come constantly for a month or six weeks, and the witness says she thought she encreased in size; she saw her frequently, up to ten days before her death, she perceived her growing larger, and imputed it to her pregnancy. The deceased, she says, looked pale, but otherwise appeared in good health. On cross-examination she says, she used to ask her how she did, (she spoke to her in that way of civility) and she says she was no otherwise acquainted with her (but only to have that sort of ceremony with each other when they met in this public house.)

Then *Jane Nickson* says she is the mother of the first witness, Elizabeth Nickson, and went sometimes to see her daughter at Mr. Angus's. The second time the witness went there, she saw the deceased, and thought she was pregnant: She says the deceased had that appearance, if she herself (who has had twelve children) ever had. The witness saw the corpse, and she says salt was proposed by the Cook to be laid on the stomach of the deceased

in order to take down the swelling that was then commencing. The Cook said that there was no pewter plate to lay the salt upon; the Prisoner said there was a water-plate, and bid them do all they could for her. (This, Gentlemen, was shewing a degree of attention on the part of the Prisoner towards the deceased, though to be sure, she being then dead, it was all to no purpose.) The witness thought her when a corpse as large as before. She says she never was at the laying out of a corpse, but that once, except at the laying out of her own children, and that they used salt then in the manner that was proposed (according to the account given by her) at the laying out of the deceased.

Mary Peat is next called, who says she was servant to the Prisoner, and went to live there twelve months ago; she says she staid there between two and three months, and at that time Miss Burns lived there also. The witness was the only servant he had then, and the bed-room where Miss Burns slept was on the same landing as the witness's own. Angus's lodging room was below. One night the witness says she awoke out of her sleep, being frightened by a dream which made her awake out of her sleep. She found she could not sleep, so she got up, and went into Miss Burns's room. She says it was a moonlight night, but Miss Burns was not in her room. The deceased used to sleep with two of the children, and one of them she had in the crib at the bed side; she says, she does not know whether it was night or morning. The witness made the deceased's bed the next day, and three mornings, she says, she observed when she made the bed, that there was no appearance of any marks, except where the children had lain. Miss

Burns generally took a brass-candlestick and a tinder-box, when she went to bed: however, she did not see her take them, because she herself went first of all to bed, but the witness took them into the parlour, for Miss Burns to take up with her and she says, that one morning she found both the candlestick and the tinder-box in the room of the Prisoner at the Bar, in his bed-room. She found them another time on the stairs, and another time in the kitchen. The deceased used to go for milk to Everton every morning, and she generally went, before she proceeded for the milk to Everton, into the Prisoner's bed room; she did so every morning before she went. On cross-examination, she says, she never saw the children there. She says, Miss Burns used to assist her in making the beds, and whether she might have made up the bed herself, the witness don't know, but she never said any thing to her upon the subject.

Then, *The Rev. John Vause* is called, who says he is a Clergyman in Liverpool; that on Sunday he called at the Prisoner's house, before the morning service, which begins a quarter before eleven; he did not see the prisoner the first time he called for the purpose, but after service, the witness called again upon the Prisoner, and saw him in a small parlour, on the left-hand side. He told him what unfavorable reports there were in circulation, as to the death of Miss Burns, and that he felt it his duty, having known him so long, for so many years, to acquaint him with those reports. He had known him, he says, nine years. The Prisoner said, that, there being no apparent necessity for such a thing, he himself, had entertained no idea of the propriety of any investigation, respecting the death of this young woman. He then gave

the witness the note which he had received from Dr. Rutter, and said, that under all the circumstances, perhaps it was as well; it was fortunate he then had two servants, it might have happened when he had only one; (these, Gentlemen, are the Prisoner's declarations) and that the proposed enquiry, should have every facility he could give it. The witness says, the Prisoner, certainly seemed to be much affected; he believes the Prisoner was in tears, and he says, he sighed deeply. He was employed, when the witness called, in shaving and dressing himself, and after the servant had been in to take away the things, he asked the Prisoner when this unfortunate event took place? He said, "on Saturday," to which the Witness replied, "No, I understand it was Friday, the morning we walked together from the Athenæum." On this observation being made, the Prisoner rang the bell; Elizabeth Nickson came in, and he asked her on what morning the deceased had died. Nickson said, "upon the Friday." The Prisoner upon talking on this subject, was considerably affected, and he said "I am so bewildered and bedevill'd, that I don't know what I am about." This, however, the witness says, was an expression which he had made use of, on other occasions. The witness then asked, if there was any reason to believe, that the deceased was with child? to this question the Prisoner said, he had not any idea that she was with child. Mr. Vause then asked, how long she had been ill, and he said "since Wednesday," the Prisoner said he never thought her in danger, if he had, he certainly should not have gone to Mr. Bigham's on the Thursday; he should not have gone there if he had thought her in danger, and he said in a most affectionate manner, "poor creature! I never hurt

her, by will, thought, or deed." The witness asked, what her complaint was, and the Prisoner said, "a violent vomiting, and bowel complaint." The witness mentioned the possibility of her having been taking some improper medicines, saying, that he knew he had a medicine chest in the house, and the witness supposed that possibly she might have done herself harm by taking some of those medicines improperly; but, however, the Prisoner said that that could not be. Then he asked him, had he given her any medicine, to which the Prisoner said "she had a black puke." These were the words which the Prisoner used; and that she had seven drops of laudanum one night, and ten drops another. (Now these, to be sure, were but a small quantity, and could not have done her any harm). The witness then says, he asked the Prisoner if he had called in any assistance; to which he answered, he had offered to call in Mr. Park and Dr. Traill, but this the deceased declined, by saying that "they could do her no good." He says Mr. Park is a surgeon of great eminence in Liverpool. On the same day, between two and three o'clock in the afternoon, the Witness says he went again to the Prisoner's house, and the Prisoner was in the same room in which he had left him in the morning; The Cook came in, and, as she was brushing about the fire-place, hearing a noise over head, she muttered to herself "They are making too much of it—it is needless." The witness says, hearing this, "I said, nothing could be needless, when her Master's honor and innocence were so tenderly concerned." The Prisoner said "You remember I went out seven or eight times that morning, I went out whenever it was necessary," and he bid the servant tell Mr.

Vause what she knew about the business. The cook said when she came down about six in the morning, she did not think Miss Burns was so well, for she did not go into the kitchen, and stir about as usual, and that she asked for some beer, the witness asked whether she thought the beer was a proper thing for her to take early in the morning, and whilst labouring under the complaint he understood she did; she said she had given her beer, and plenty of gruel besides, and that for her own part, she never thought her so ill, but that the other servant thought all the while she never would get better. Then he asked the Prisoner for an explanation of the word necessary, which he had made use of, speaking of the Prisoner's going out whenever it was necessary; he asked him for his meaning, and he explained it to mean, that whenever delicacy required it, he had always left the room; he said, he made no doubt but that he being asleep, the deceased from delicacy was going into the other room and did not chuse to disturb him—that the chamber pot was beside her, and he supposed she had died in that attempt, for that her complaint was a *fluor albus* (a weakness of the parts in women) under which she had long laboured, and that it had weakened her excessively.—He asked the Prisoner, what he meant by the "black puke" and he had explained himself to mean a vomit; then, he says, the Prisoner went to a small book case, and took out a book, he thinks, the Edinburgh Pharmacopæia, and said he ought to know the composition and decomposition of medicine; that the preceding week he had given the deceased some tartar emetic, that he had also given some the same night to the servant girl, but that that tartar emetic he had administered, had not taken effect, and that

he supposed it was because he had had it so long in the house. The Witness says, that on the morning of the following Tuesday, he again saw Mr. Angus at his own house, and told him that he understood his servants had stated that he was not out on the Friday morning; the Witness reminded him of a conversation that had taken place between them, that morning; the Prisoner said, you are perfectly right, as to the conversation, but might it not be Thursday. The Witness said, he was verily sure it was Friday; he says it was before breakfast the conversation happened, and he dares say, that they returned to their own houses before eight. He had met him at the Athenæum, and had walked home with him from there, after reading the papers. He says, he was not more than a quarter of an hour, in walking from the Athenæum to his own house. He cannot swear to the morning, but he positively says it was not Thursday, for he was not very well the preceding night, and did not go out that morning, nor was he out at all before breakfast, on any of the three preceding days. He told him, that from medical examination, he understood there was no doubt that the Fœtus (the young child) must have been very recently excluded from the Uterus. The Prisoner said "it was very odd, he was very ready to be examined whenever they would call upon him, and that they had his servants to examine, who could tell them whether they had either heard or seen a child in that house," and that, as to her clothes, "they might see them, for he had concealed nothing, nor did he mean to conceal any thing." The witness then said to him, that Mr. Cheyne had been drinking tea with the prisoner, and had observed that Miss Burns was very large; the Prisoner said it

was very true, and that Mr. Bigham had remarked it to him also, and that he had likewise mentioned it to Mis Burns himself, who, he said, had complained very much of a cold she had got, and imputed the increase of her size to the manner in which she had pinned a flannel over her waist.—The witness said he was uneasy lest he should have misunderstood him about the "black puke," and he did explain himself by saying that he had not given her a black puke, or medicine, but that what came from her stomach was black and after that it became green, or else green and then black, and that that morning (that is the morning of her death) he had given her some castor oil in spirit, and that that immediately came up (that, he said, he had given her on the very morning when her death took place). He thinks he referred to the morning of her death, but won't be positive. That which he had given her the week before was composed of what he called the emetic tartar. On cross-examination he says, the Prisoner used expressions of the tenderest sort to the deceased; he believes that, in the conversation he had with him respecting the day on which she died, the prisoner first stated that she died on the Friday, and upon the Witness mentioning that it was on the morning when they were out together, a doubt arose in the Prisoner's mind, whether it was Friday or Saturday, upon which he rung the bell, in order to enquire of the servant. The Witness says that he is sure he did not mean to deceive him as to the time she died. It could not be on the Wedesday, he says, that he was with the Prisoner at the Athenæum, for he was not out that day, but he will not swear that it was on the Friday. He saw nothing in his appearance different from ordinary; he is

acquainted with the circumstance of the Prisoner's brother being deranged in his understanding; he knows it distressed the Prisoner exceedingly. The Witness went to the Prisoner for the purpose of rescuing him from so foul an imputation, as the reports he had heard appeared to him to cast upon the Prisoner, and he left the house fully convinced of his entire innocence. The Witness says that when he spoke of the Prisoner's going out several times, he only meant out of the room—(in consequence of the sickness and the looseness, he was obliged, for decency's sake, to leave her)—he only meant going out of the room, and that was what he alluded to when he said he went out as often as was necessary.

Dr. George Colman is next called, and he says he is a Physician at Liverpool, that the wife of the Jailor was a patient of his and had been so before the last visit he paid to her, which was about the 30th of the month of March. The Prisoner at that time had been taken into custody, and he saw him that day at the prison. He says he had previously known the Prisoner, and he told him a horrid impression had been made on the minds of the Public, by what had taken place in his family: the Prisoner replied he was innocent, and as his own servants had said nothing against him, why was he to be detained there? why was he not confronted with his enemies? to which the Doctor replied "you will have it in your power to put any questions you think proper before you are either committed or released," the witness said it had been mentioned, that Miss Burns had been poisoned, and had had a child, and that strong marks of the poison were exhibited in the stomach, and that indubitable proofs had arisen in the examination of the

uterus of recent child birth. He said, as to the first he never gave her any thing stronger than Castor oil, which could not poison her, and as to her having had a child, that he said was not possible; "she was always an object of his very great care, attention and assiduity." Then the witness, Dr. Coltman, asked him if he had called in any of the faculty to prevent suspicion, and remove all responsibility from himself, the Prisoner said he had frequently desired her to have somebody, and he thinks he mentioned Mr. Park and Dr. Traill, but he said she always replied "I will not have any body, for they can do me no good"—as to his children, the Prisoner said, he never gave them more than a grain or two of calomel. The witness says he remarked to him, "you have told me you don't sleep well," to which he replied "lightly or slightly for a considerable time past." "How happened it, then," says the Doctor, "they were under the necessity to shake and jolt you, to awake you," he said, "I cannot account for it." The Witness says, he believes he saw the Prisoner, on the Friday the deceased died, a few minutes before seven, in the morning, at the steps of the Athenæum, when the Prisoner shook him by the hand very heartily. He says, the next day he was at Mr. Loxham's, where the report became a subject of conversation, and he verily believes he saw the Prisoner the day before, in the morning, before he had heard of the report. He says, the Athenæum never opens so early as six, never till about seven o'clock, and closes regularly at ten at night.

James Cheyne says he is an Insurance Broker at Liverpool; he was intimate with the Prisoner, and knew the deceased Miss Burns, he drank tea there about ten days before Miss Burns's death; he had

known the deceased some years before; she appeared to him larger than usual in her person; he thought she was with child, but could not guess how far gone. About the end of last year he had a conversation with the Prisoner about the case of a young lady, who was gone to the Isle of Man, as it was supposed, in a state of pregnancy. The Prisoner said, the man, who was guilty of such conduct, had acted very improperly; he supposed it was possible to have given the lady something, (so the Witness understood him to say) something to carry it off. He said, if she was a woman of that kind, she might have been pleased, without exposing her character; to which the witness (supposing he meant that something might have been given her, to carry off the child) replied, that he should have conceived it murder. The Prisoner said, those things were generally done under the idea, or at so early a period, that the child was not supposed to have life. On cross-examination, the Witness says, he did not think he meant any such thing, he thought it was a mere indifferent conversation, and did not suppose the Prisoner was serious in what he said.

Jeremiah Steele says he is a portrait, and miniature painter at Liverpool, and has known the Prisoner about a year and a half. He supped at Dr. Traill's house one evening about last Christmas; the Doctor was shewing him books of anatomy; when the Prisoner came in, there were drawings of female figures, the Prisoner looked at them, and remarked that he was skilled in anatomy and physic, and said he had instructed several young persons, and made them Doctors on board of African ships. There was one print which represented a dissection of the womb; the Prisoner pointed to the

mouth of the womb, and said that by touching that part of the womb by an instrument, it would cause an abortion. Dr. Traill looked up with some astonishment, supposing it was not known to any but the Profession; he said it was a secret, and when it was communicated it was always under the idea of secrecy, and was never to be used except to save a patient's life. The Prisoner said he had mentioned it to one young man whom he had sent out, and he believed that that young man had made an improper use of it,

Henry Glover Moore says he has known the Prisoner for four, five, or six years, and has been in the habit of visiting him; he knew the deceased, she was half-sister to Mrs. Angus. He had a conversation with him two or three years ago about a young lady that was gone to the Isle of Man, her supposed pregnancy was the subject of conversation. The Prisoner said that it was making the matter much too public, and that it might have been got over much easier at home, and, as the witness understood, by a miscarriage. However, he says he cannot precisely recollect the expressions which the Prisoner used in that conversation. Within a twelve-month, he says he was in his company again, and the discourse was upon another young lady's pregnancy, said to be gone to the Isle of Man. The Prisoner said, if the young lady had come to him, he could have kissed her, and have afterwards got her rid of her burthen at less expence, and without being so public a disgrace to her friends. Last August the witness was returning from a late party, it was a bright moonlight night, he could see the front of the parlour windows; he saw the lower sash of the parlour window open; the blind removed, and the

sash thrown up. He thought he saw somebody there, but, however, he was not sure. He turned back and went through a passage which goes to the back part of the Prisoner's house; he then passed the very front of the house, and had a complete view of the parlour window. The witness saw the back of a person's head close to where the window was open. He saw Angus, the Prisoner; Angus raised his head; he saw him and Miss Burns sitting close together, their faces to each other: his right hand was either on her right shoulder, or her breast; he cannot say positively whether their faces were so near to each other as to have touched, but he speaks positively to the attitude in which he saw them. He says, that at the latter end of February he went to the Prisoner's house, and went with him into the parlour; he saw the deceased there. He observed her figure most minutely, and it struck him she was in a state of pregnancy. She went to a cupboard there, and her arms were raised, he thinks both of them.—The view he had of her person on that occasion, strengthened him still more in the opinion he had entertained of her being in a state of pregnancy; he says she appeared in good health and spirits.—On his cross-examination, he says, that it was just after dinner that he made this last observation upon her, and she looked rather florid; he thought she was larger in front as well as in the waist than he had ever seen her before. The window there which he observed open on the former occasion was not towards the street, but it looked towards the church; he suspected somebody had got into the house, and that the watchman had been negligent, and this was one circumstance, he says, which induced him to go round the house in the manner he did.

The *Rev. James Gildart* says he had a knowledge of the Prisoner some years, but no intimate acquaintance with him. He had a conversation with him in 1804, upon the subject of a concealed marriage. The witness said that clandestine marriages might in a short time produce some fruits. The Prisoner said, that he was studying medicine, and that he could assure him that such effects might be prevented. The witness said he thought that such conduct was worse than murder. On cross-examination he says the Prisoner mentioned this subject to him as what he had learned from the study of medicine.

Then *Peter Charnley* says he lived formerly in Liverpool, but now only in the winter, having retired from business. He knew the Prisoner, and was rather intimate with him some years back.—The Prisoner's Counting-house was over the witness's, and when he had a leisure hour he used to go and chat with him. At one time the conversation turned upon some girls being with-child. The Prisoner said he knew how to prevent it, and had an Instrument which he would shew him, and which by introducing into the womb, and letting in the air as he termed it, would prevent the child coming forward. The Prisoner, he says, shew'd him that Instrument, and it made great impression upon the witness's mind. He believes there was a long tube of silver, a slide went through it, at the end of which, was a three-edged dart. The witness observed, that to do such a thing was a great sin, and the Prisoner replied, that the sin lay in taking away life, and not in preventing it.—Then the Counsel shew'd the witness an Instrument to look at, and he thinks the Instrument was something like that, but he won't swear it was just

the same. The time this happened was eleven or twelve years ago.

Thomas Richardson is a Cutler and Surgeon's instrument maker, at Liverpool; he says he has known the Prisoner eight or nine years ago; the Witness was then in the shop of a person in the same trade, of the name of Lloyd, and the Prisoner coming there, the witness became first acquainted with him, through that circumstance. He says, in the month of March, the Prisoner came to the Witness's shop, to have an instrument sharpened; it was about ten inches long, and had a trochar point. On being shewn such a one, he says, that instrument was like the instrument produced, but it is not the same, though he could hardly distinguish it from the other. He says he was to repair this Instrument which the Prisoner produced to him then, he was to get it pointed, and his directions were, that he was to make it uncommonly keen. The witness told him, he thought he could make it to answer his purpose better, if he would tell him the utility of it. The Prisoner replied it was to bore his children's ears. The witness says the Instrument was not at all fit for that; it would rather abuse the ears than otherwise. He says he himself has made several for that purpose; (one was produced to him), and he says the one produced to him is a proper instrument for boring the ears with, and nearly resembles a stocking needle, but the other has a triangle point, and would make a hacking wound. He paid the witness nine-pence for doing it, but rather hesitated and said it was too much.

John Steele is a Druggist, living in Pool Lane, in Liverpool; he remembers seeing the Prisoner about six weeks before he was taken up: he came to

the witness's shop, and he asked for some Oil of Savin. (The last enquiry we had was about an instrument capable of producing abortion, and now they proceed to prove him in possession of the Oil of Savin, which they say will produce similar effects.) The witness says he told him he had some, and the Prisoner then asked the price. When the Witness told him it was five shillings an ounce, he said that was dear, and that if it had been cheaper he would have had half an ounce, but as it was so dear, he would only take a quarter, and if it was good of its kind, it would answer his purpose. He says he weighed two drachms, which is a quarter of an ounce, and put it into a phial which the Prisoner brought with him, and he paid for the Oil of Savin, and went away. He says he has always been informed (he don't know any thing of it of his own knowledge) that it is poisonous, but he does not know it by any experiments. He says they don't sell it to women, lest they should make an improper use of it, nor to any persons that are strangers. The phial, he says, was produced by Mr. Upton the Constable, and he believes that that phial (though it has not any Savin Oil in it now) is the same as that into which he put the Savin Oil for the Prisoner. This Oil of Savin, he says, is an article that is very seldom called for.

Then, *Joseph Upton* is the Constable in whose hands the last witness had afterwards seen the Phial, and he says, he was in the Prisoner's house on the twenty-eighth of March, and the next day he took him into custody. He says he was directed by the Coroner to search for the body of a child; he had a considerable search, but none was to be found. The Witness was present when the Prisoner, on the twenty-ninth of March, gave the keys to Mr.

Bigham, his relation. He received some clothes from Ann Hopkins, in the cellar, consisting of a shift, a flannel petticoat, a pair of women's cotton stockings, (which you had an account of a little while ago, as being the articles which the deceased had worn at the the time she died). These articles are produced by the witness, Upton; he says they are in the same state in which he removed them, only they are not in that wet, bloody state in which he found them. He says he went with Mr. Bigham, up stairs, into the Prisoner's room; Mr. Bigham unlocked a place which the Prisoner called his wardrobe. This wardrobe contained a large quantity of bottles, he says he took the bottles, and they are in the same state in which he took them. The bottle which he produces has a kind of label or description; it is called Poison Water; he delivered it to Dr. Bostock, and he received it back from him; there were besides this, two bottles, which he says were marked Jacob's Water; these he also delivered to Dr. Bostock, and has not received them back. There is a small phial, on which was written "Oil of Savin." (Mr. Steele was then called again, and he says he believes that bottle to be the same as the one into which he put the Savin Oil for the Prisoner, but wont swear that it is; he says there is no Oil of Savin in it now, it is Oil of Penny-royal). The Witness (Upton) says, that when he searched the house he could find no trace of any child of which any body had been delivered. He describes the wardrobe as a place in which, amongst other things, were contained a considerable number of bottles; he does not think there were any other medicines there, except the liquids, no salves nor any thing of the kind that he knows of; however, Mr. Steele on

being again interrogated, says he believes there were some perfumes, such as Oil of Lavender, Musk, and some other things of that description,

Now, Gentlemen, with respect to the bottles contained in this wardrobe, it does not appear that any thing unfavorable to the Prisoner is to be drawn from that circumstance alone. It rather appears that the Prisoner, having had some sort of knowledge of medicine, not, indeed, as a person originally trained up for that line, but as having studied and practised it in some degree, now continues to practice it for his own amusement; his taste of having things of that sort about him still continues; he perseveres in his enquiries into the utility of such things.—Some of these bottles had only perfumes, essence of lemon, oil of lavender, and things of that description; and therefore I think you are not warranted to draw any unfavorable conclusion from the mere circumstance of his having articles of that kind in his possession. This, Gentlemen, is the evidence on the part of the prosecution, exclusive of the evidence of the medical people.—Now, in respect to that, you and I will have to attend to a considerable body of evidence, which treats of subjects, with regard to which, I am afraid it will be very difficult for us to come to any certain conclusion; however, I shall endeavour to lay it before you in the best manner I can, and, afterwards state to you the impressions which it makes on my own mind. The first Gentleman called is,

Mr. Thomas Fairfax Hay, a Surgeon, in Liverpool, he has been a practitioner four or five years since attending one of the hospitals; he says he went with Dr. Rutter, Dr. Gerard and another person of the name of Robinson, on Sunday the

27th March last to the Prisoners house, and saw the body of the deceased lying on the bed in an upper room over the small parlour. On removing the body from the bed to the table he perceived a spot of blood not so large as his hand; this spot of blood was on the sheet underneath, and having drawn the shift that was on her over her face, they proceeded to examine the body. The witness says, he perceived no marks of external violence, but he perceived a slight inflammation on what he calls the peritonœal coat which covers them (that which is on the outside of the bowels) he says he discovered in the involutions of the intestines, an olive colored fluid, not similar to the fluid generally found in dead bodies. Then by the directions of the Doctors who were with him, he proceeded to examine the stomach. The inflammation, that he perceived, was not sufficient to be called a disease, it was more upon some parts of the intestines, remote from the stomach, and between that and the gut, called the rectum, there were some parts, which were scarcely to be called at all inflamed. He says, that bringing the stomach into view, he discovered at the anterior and inferior portion of it, (when he speaks of this, he means that which is the most forward, towards the surface of the body, and that part which lies the lowest, when a person stands upright) a preternatural opening, rather larger than a crown piece. The stomach was not distended, but nearly full of a green fluid, similar to that he had discovered among the intestines, when he made the first opening. That convinced the witness, that it came from the stomach, and they thought it adviseable to collect some of this fluid, and submit it to chemical experiment. Having previously provided some wide-mouthed bottles, he says, he intro-

duced two into this opening, and collected from six ounces to half a pound of fluid. He then tied the end of the stomach next to the intestines, and separated the stomach from the body. Then he says, the stomach and the small contents it then had, were put into the water they had used to clean the sponges, which had soaked up the fluid extravasated among the intestines. Then there is an intestine called the Duodenum, which goes from the stomach, about twelve inches in length, which was much more inflamed than the other part of the intestines; the internal coat of it was also slightly inflamed. The intestines, also contained a great deal of the same fluid, that was discovered in the stomach. They included a portion of the intestines between two ligatures, then they opened that portion, and they caught the fluid, that was within those intestines in a dish, or phial, he is not certain which, and they set that by for chemical analysis. Then, as to the uterus, he says, that considering that as being while the woman was standing up in an erect posture, towards the upper part, or fundus, its peritonæal coat was slightly inflamed; seeing the size of it was much larger than natural, they took it out of the body to examine it more minutely. He says, that in making an incision the whole length of the side of it, he discovered it to be a healthy uterus, that had lately excluded a fœtus from it. There were evident marks of recent attachment of the placenta. (The placenta is the after birth, which comes away with the child, when there is a proper delivery.) He says, that upon making that incision in the inside of the uterus, there were these marks plainly observed, and he had no doubt, from that, of the fact, that the placenta had been recently detached, and he

says too, that the child must have been nearly at its full growth. The general cavity of the uterus, he says, is smooth, but in this part, a rugged space is left, where the placenta has been attached. The shape too of the uterus is circular, so also is that of the placenta. The vessels of the uterus, going to the placenta, for the nourishment of the child, he says, were plainly discoverable. A small quantity of the fluid too, oozing from these vessels, was of a florid color, which, if she had been delivered a few days, would have become lighter. After delivery he says a discharge comes from the uterus, called the Lochia; and above all, the size of the uterus, which, he says, in its natural state, is not larger than a recent fig, was here the size of a bullock's heart. A healthy uterus, that had not been impregnated with a child, could not have been in that state in which he observed the uterus of this body. He says he cannot account for the opening in the stomach from any natural cause, nor from any disease with which he is acquainted. The surrounding parts of the hole were pulpy and soft, and broke upon the slightest touch; in a healthy state it is very tough, and it would be difficult to pass the finger through it. When the stomach is in a healthy state, it is a thin, but very dense bag. He concludes that some acrid substance must have been conveyed into the stomach to produce that appearance. On cross-examination, he says he has dissected many subjects, but, independent of the stomach, it never happened to him to open a fresher subject than this. The putrefactive progress in March is not quick, it don't usually take place in 36 or 48 hours. He is aware of experiments made on the power of the gastric jucies after death, and is acquainted with Mr.

John Hunter's observations upon subjects of that sort; but he says that those writers who draw different conclusions from the witness, do it from appearances which do not exist in the case he has been now describing. It was only in stomachs that have had no previous disease, that such holes in the stomach proceeding from natural causes, have been observed; he knows of no instances of that, but in persons who have died in a healthy state. He says that a cancer in the stomach may in time produce a hole there; that he admits; he says, he has never read a book to which he was referred, the work of an Italian author, of the name of Morgagni, on the seat and causes of diseases; this work he says he has never perused. There was very little inflammation, he says, on the internal parts of the stomach; the color of the superior part of it was natural. He admits that if a hole were produced in the stomach by means of a deleterious drug, the action of it must have been very violent. He says he has delivered many women. The Mucous Membrane was not destroyed except in those parts where the hole was. The womb contracts very suddenly and powerfully after delivery, when that is not the case, a hæmmorrhage (or flow of blood) to a degree that is fatal, will sometimes ensue. He admitted before the Coroner the possibility of the death of the deceased arising from a large flow of blood, after delivery, but on maturer deliberation, he thinks if there had been a flow of blood, it must have left a coagulum in the uterus. Still he says he is disposed to admit the *possibility* of such a thing, though he does not think it at all probable, but he found such a sufficient cause of death in the stomach of the lady, that it was not necessary for him to resort to other causes. He thinks the uterus be-

ing so enlarged, would have occasioned a violent flooding if it had not contracted; the effect of not contracting after a recent delivery, is a flooding, which sometimes is not fatal, and sometimes is.—When fatal, there is a great probability of discovering coagulum in the cavity of the uterus. In the usual way of delivery they place their hands on the abdomen (or lower part of the belly) and use pressure to it, in order to facilitate the contraction of the womb. He says he could not judge by placing his hands in the manner he has been describing, of the degree of contraction, for they only feel what he calls the fundus (or upper part) of the womb, and therefore could not judge of the degree in which the whole of the uterus is contracted. He says that the thickness of what are called the walls of the uterus were about half an inch, he thinks the diameter of the part to which the Placenta was attached, was four inches, or nearer four and a half. If the parent had died on the exclusion of the child, he says the contraction of the uterus would have ceased.

Dr. James Gerard says he is a Physician, and was an Accoucheur, in Liverpool; of late he has not practised as Accoucheur, except attending occasionally some few of his own friends. He thinks he has been employed in five hundred cases in that way. On Sunday the twenty-seventh of March, he went with Mr. Hay to examine the body of Miss Burns. On opening the body, a fluid was found in the abdomen, that corresponded with what issued from the nostrils of the deceased, on removing the body from the bed to the table, except that it was of a little darker colour and thicker, it was also similar to that which they found upon opening the stomach but rather more fluid. He

says, the preternatural opening, through its substance, which Mr. Hay has described, was very obvious, and several ounces of its contents were taken out for chemical experiments. He says, expecting they should find in that the cause of the injury, they did not examine so much further as they otherwise would have done. There was a slight inflammation observed in the course of the blood-vessels, which could not be the cause of death.—He says the preternatural opening appeared to him to be the cause of the decease, and he could not attribute it to any known disease which he is acquainted with; neither could it be supposed to arise from external violence, nor excess of vomiting, or putrefaction. The gastric juice (which is that contained in the stomach, and supposed to assist digestion during life) was considered, but it differed in several respects from the appearances described by Mr. Hunter, and several other writers, and particularly by Spallanzani, who made experiments since Mr. Hunter's ideas have been communicated, and who, he says, was never able to observe a hole through the coats of the stomach, though he did mark the appearance of the powers of digestion acting on the internal coats.——He says, the gastric juice can only so act after death; the vital principle (which every stomach has when the person is alive) resists the action of it during life. For the same reason, he says, it could not produce inflammation. The situation of the corroded part of the stomach they examined is different from what it would have been if corroded by the gastric juice, being at that part of the stomach which would have been most dependant in the erect or sitting positions, particularly when leaning forward in the act of vomiting; it is

in that situation in which any thing taken into the stomach would have acted with most effect during life. The stomach of a healthy person according to Mr. Hunter is more likely to be affected, because the juices are in a more active state; on that account he thinks those juices called gastric juices, are more likely to produce the effect in a healthy person, than in one of another description. He says Miss Burns having had violent vomiting, for forty eight hours, he could not conceive her stomach to be in a healthy state for the secretion of the gastric juices. Where the gastric juice has been observed even by Mr. Hunter to dissolve the stomach, it has always been observed to act on the contiguous parts of it. The quantity of fluid found in the stomach, he says, is likewise of importance, as it must have weakened the power of any other liquid in the same way, that water would weaken the strength of spirit when added to it. (This observation, Gentlemen, is no doubt intended to shew that in the habit this lady was in, of vomiting so much, she must, by that exertion have caused so much mixture of the fluid that was upon her stomach, that if there had been any deleterious or acrid substance there, it could not have had the same effect as it otherwise would, but must have been very much weakened by the mixture of it with the fluid that was upon her stomach) He says, the case of a stomach corroded by the gastric juice, is so rare, as never to have been observed by those who have opened hundreds; experienced surgeons, who have opened hundreds, have never met with such an instance. He says that oil of savin is deleterious and pernicious, and speaks of its having been tried on a dog, when it produced stupor vertigo and dozing, and at last death. The

womb, he says, was in a natural state as to appearance, as it is, after having recently expelled a child, he thinks the length of time cannot be accurately judged of from the appearance, but it bore the usual marks of such occurences, particularly the attachment of the placenta, and the dilated state of the mouth of the womb. He says though large now it must have been considerably larger before delivery. The expulsion of a child so near its full time, as that it might have lived, if brought forth alive, must make a considerable alteration in the size of the womb, and though it was in a much enlarged state compared with its natural size, yet it was much reduced from what it must have been before delivery. There could not be the smallest doubt, he says, of a womb found in such a state having recently expelled such a child; of that the witness has not the smallest doubt. He says that vomiting, thirst, and pain frequently attend labour, so they do where the party is poisoned. He says that the degree of this vomiting, the degree in which the deceased was afflicted with those symptoms has not been so strongly proved, as it was on a former occasion. He does not think that a flooding could be a likely cause of the death of the party. On cross-examination he says, expecting that they should have found the cause of the death in the contents of the stomach; they did not search farther; they did not open the head, nor the Thorax; there should be but two openings in a natural state of the stomach, one into, and one out of it; he has not opened so many as to form opinions as to the operation of the gastric juices from his own observations; he may have examined twenty stomachs as particularly as he has examined this, without observing any instance of a hole in the

stomach. The gastric juice, he says, is most concentrated in the most dependent parts of it; now, had the anterior part of the stomach, where this hole was observed, been the most dependent part of it, then as the gastric juice would have collected there, it would of course have been the most active in that part, but, however, the body being placed down on a bed, he says the most dependent part would be the reverse of that where they observed the hole. That which occasioned vomiting, he says, might inflame the stomach, however, he thinks the gastric juice was not more likely to have operated after death on the inflamed part than on any other. Where the stomach is corroded by the gastric juice, in that part, according to Mr. Hunter, the blood-vessels are distinctly seen ramifying upon the surface, and that the blood may be pressed out at the corroded ends; he says, they found no corresponding circumstance of this sort. Ulceration may proceed till it makes a hole in the part, but the previous symptoms, had that been the case in this instance, must have been of a much longer duration. He has no idea of the putrefactive process beginning at any particular part, unless there has been previous inflammation there, ending in a mortification. No experiment was made on the substance of the stomach.—He says he saw the stomach taken out.—Before it was touched, part of the fluid was found diffused in the abdomen, therefore he concluded the hole was not made by Mr. Hay. This was the only uterus the Witness ever saw dissected; he never saw the uterus of a woman who died of an hæmorrhage, or of a dropsy in the womb; this is of very rare occurrence, and the examination of such cases is still more rare. He says he judges

only by comparison of a healthy uterus with such an one as this, that it was not a dropsical one.—He sees an obvious cause, he says, for the contrary—the marks of a placenta in the uterus; these are satisfactory proofs to him that the death did not arise from dropsy. If there had been any ulceration in the stomach before death, he says, the edges of the opening would have been in a different state from what they were observed to be in, nor could the hole proceed from mortification. Upon the whole, he says, he concludes, that it must have proceeded from some cause of a deleterious nature, and which he don't pretend to ascertain.

Dr. John Bostock says he is a Physician at Liverpool, and that he has devoted much of his time, to the study and practice of Chemistry. He went to Dr. Rutter's, in consequence of a message from the Doctor, who lives near the Prisoner. The Witness, afterwards, went with Mr. Hay, to examine the state of the stomach and uterus. He observed the hole in the stomach; it appeared to be produced by an acrid poisonous substance; he cannot say, whether it was corrosive sublimate of Mercury, but poison might produce such a hole. The sublimate is a very active poison, if taken in solution, and after violent vomiting, purging, and drinking diluted liquors, death may take place, and on subsequent examination, the sublimate will not be traced by the most accurate tests. He says there were three bottles of fluids, on which he performed experiments. He says the one most particularly examined, was that which contained the contents of the stomach, and as he conceived arsenic or corrosive sublimate the most likely to have produced the effect, he applied the tests by which those two substances are discover-

able. As poison, he says arsenic is generally taken in a state of very imperfect solution, but corrosive sublimate may be dissolved by water only; however he says that on application of those tests by which it is detected he did not find any. He examined the uterus; there was a very considerable increase of size there, the cavity was large enough to contain a quart of fluid; there is scarcely any at all in an unimpregnated uterus, which is only the size of a pear or a fig. He thinks the fœtus must have been recently discharged from it; he forms his opinion on the jagged appearances that were observed, and the evident remains of the vessels by which the fœtus was connected with the mother, producing a less smooth appearance than at the other parts of the uterus. The other appearance was the enlargement and dilatation of the mouth of the womb; he thinks there can be no possible doubt, from these circumstances, of the infant having been discharged. He received some bottles from Upton the Constable, one of which was marked "Poison Water," after analysing it, he returned the bottle to Mr. Upton. He found it contained a considerable portion of arsenic; the tests by which that was discovered he looked upon as indubitable. He can speak with almost equal certainty as to its containing the corrosive sublimate; that was contained in a considerable proportion in that bottle. He has seen something of the effects of oil of Savin, upon animals; in trying it, he says, it produces, in the first instance, affections of the nervous system, afterwards, vomiting and purging, and lastly death. As to abortion, he can only speak of it as being a popular opinion, that it will produce it. Where poison is administered, vomiting, thirst, and pain will ensue.

On cross-examination, he says, he never heard of oil of Savin being prescribed as a medicine; several experiments have been made with it, upon dogs, and the effects have been different, according to the difference of the doses. No farther examination of the body was made than what has been already stated; he does not think it a necessary consequence of the corrosive sublimate in solution being taken into the stomach, that the gullet should be affected by it (at first, the Doctor was understood to mean that he did not think it would corrode the stomach however it afterwards turned out that his meaning was that he did not think it would affect it as to salivation) he says a very moderate quantity may poison. The sides of the hole were tender and ragged, when the witness saw them; the stomach had then been taken out and handled. In those cases, in which the gastric juice takes effect upon the stomach, he thinks some part of this effect must begin immediately after death, because it is a substance which cannot be formed after, and being present as soon as the stomach is dead, he sees no reason why it should not begin to act immediately. Mr. Hunter, and other authors of celebrity, treat rather differently respecting the gastric juice, and the witness himself entertains rather a different opinion from what Mr. Hunter has entertained. He thinks there was time enough from Friday to Sunday for it to have dissolved the stomach, if it had acted at all in that way. He believes that sort of mixture contained in the bottle which he analysed is often used in order to destroy bugs; at the desire of the Prisoner and his friends, he went to his house to look at some drawers, and he says, that on minute examination he thinks he did perceive a whiteness on them, as if left by the arsenic and

sublimate with which they are said to have been washed over. On a second examination the Doctor says, taking all the circumstances into consideration, he thinks the hole in the stomach could not have arisen from the action of the gastric juice; some part of the stomach was not found to be in a healthy state, others appeared to be in their natural state as to firmness, except some little inflammation upon them. Corrosive sublimate taken in small quantities, he says, will produce salivation; where it has been administered in considerable quantities, and has produced a sudden death, after violent symptoms in animals, he has known cases of this nature, in which inflammation has not been observed in any considerable degree. In the experiments which he has seen performed on animals he refers to cases wherein death has happened in an hour or two, and wherein a considerable quantity of this very acrid poison has been made use of; still he has known cases wherein death has ensued and little or no inflammation been occasioned.—He says, a dog was poisoned with the solution of corrosive sublimate, he was opened twelve hours after death; the fluid taken from the stomach was kept twelve hours more, and after experiments of some days, he could not find the substance of the corrosive sublimate, notwithstanding all the tests which he applied for that purpose.

Elizabeth Nickson was then called again on the part of the Prisoner, and she says she took an emetic about a week before the death of the deceased, and that, probably, is the emetic which was referred to by one of the witnesses; the deceased also had an emetic given her, but not at the same time as the witness. She says Miss Burns kept the keys, not only of the other places where the Prisoner had

different articles, but also of the wardrobe and medicine chest.

This, Gentlemen, is the evidence on the part of the Prosecution. On the part of the defence they endeavour to contradict the testimony you have heard of the deceased's being with child, and to take away the effect of those circumstances from which it is contended, that she had been delivered of a child, and likewise those parts of the evidence which tend to shew that the deceased died by poison, of some sort or other. They call witnesses to contradict or to explain what has been stated; and first those are called, who are to prove that she did not appear to be with-child.

Martha Barton says she lives in Liverpool, and has known Miss Burns for the last six years; the witness and her daughter were very intimate with Miss Burns, they were almost the only acquaintance she had. She knew Miss Burns's mother, her second husband's name was M'Quiston, and she was inclined to be dropsical. (It is hence inferred, Gentlemen, that there was an inclination in the deceased to dropsy.) She says she knows Miss Burns had been poorly for the last twelve months; she frequently complained to the witness that she was much puffed and swelled, and had a great difficulty of breathing. She called on the witness three weeks before her death, saying she was very ill, and asked if the witness could tell her of any thing that would be serviceable to her; she complained that she was not as a young person ought to be, that she was irregular. The witness told her she had heard that Welch's Pills (a certain quack medicine) were good for persons in her situation. The deceased said she had taken them, but they had been of no service to her.—

She told the witness, she thought she might know of something, as she had a large family; the witness said she had got some grains of paradise, which she had pounded, and then given to her daughter, mixed with common gin, and this (whatever her complaints were) had generally operated in her favour. This was about three weeks before the deceased died. The witness never spoke to her after, but she saw her at a distance, ten days before she died; There was no alteration she says, in her appearance as far as she could see. She had a difficulty of breathing, she said she had been a few years in that way, that she had got a cold in coming from Scotland, and ever since that time, she had never had her courses regular, in consequence of the cold; she was always averse to having any Doctors; she was of a very careful turn. The Witness says, that when the examination was held on the body, she went there, but was not examined. She wanted to see Dr. Gerard and did not, but saw Mr. Statham who asked her some questions; he said she might sit down; the witness waited two hours and not being called upon, he said there was no occasion for her, and she went away; she says, that she herself never thought the deceased to be pregnant; the deceased was afraid of a dropsy, she cannot say she was larger in the body, but swelled at her stomach. The witness says her own conscience directed her to go, at the time this body was examined, and other people went as well as herself. The appearance of the deceased was like that of a sister of the witness's who died of a dropsy.

Elizabeth Jones is a friend of the deceased, and daughter of the last witness; she says she was married last December but one, that she was very inti-

mate with the deceased, and knew her beween five and six years. The witness was in the habit of visiting her often; she has slept with her for a week together. When she first knew her, she was in very good health, but began to fall off two or three years back, and to complain of shortness of breath, and of an inward weakness She was electrified by a person of the name of Minshull, but that the witness only knows by hearsay. She told the deceased herself that she looked very ill, and the deceased said she was not regular, she wished to see her mother; it was about two years back that she complained, but it was not many weeks before her death, that she wished to see her mother. The irregularity was one of her complaints. On the Sunday but one before she died the witness went to drink tea with her and said to Angus she thought Miss Burns was better than she had been: Angus said he wished to call in advice, but she said "hutt! I'll have no Doctors, they are nothing but expence, they can do me no good." The witness says she observed no alteration in her person, she was just as she looked the February but one before she died and was as large in February as when she died.—The witness has been with her in her dressing room, and is confident that she has seen her once or twice undressed; she had no reason to think her pregnant, and thinks she should have known it if it had been the case. The deceased said twelve months before, she was going off, that broad chested people almost always went off in dropsies. A few weeks, before she died, the witness was in her room whilst she was dressing, the witness said that she was thin, and she answered, she was not half the person she was when the witness first knew her. She said, if it had not been for the

wine and bark which Angus the Prisoner had insisted from time to time that she should take, she should have been gone long since. The witness observed she was uncommonly flat bosom'd, and she said she was not so plump as she used to be.—She had the key of the wardrobe, and the witness has seen her open different parts of it with that key. The witness has assisted to put the clothes in the drawers, after the drawers had been washed with Jacob's water. On one of these occasions, the Prisoner asked the Witness, before she was married, whether her mother was troubled with moths; if so, they could be destroyed with that water. The witness did not notice the label on this bottle: she has seen her give the children medicine, when Mr. Angus was in Scotland. She said she was in the habit of taking castor oil; the witness saw her the day she died, after death; Mr. Bigham came for her; she saw her laid upon the sofa; she was as large as she was when living. The Witness had opportunities of observing the Prisoner's conduct to the deceased, and never suspected the least improper familiarity; his behaviour was gentle, tender, and humane. The deceased had, for about a fortnight, been preparing to go to her mother's, as soon as she had made up a piece of linen, which she was then about, she was to go home. On cross-examination, she says, that her mother, with whom she lived, during the time the deceased was ill, lived about a quarter of a mile off, and neither of them were sent for, whilst she was ill, notwithstanding the intimacy that subsisted between them and the deceased.

Then *Jane Overhin* is called, who says she was servant to Mr. Angus about eighteen months ago. The deceased was then in a very poor state of

health. She remembers the drawers where the Prisoner kept his woollens being washed with something, she thinks it was Jacob's Water. She heard Angus, the Prisoner, ask the deceased if she would have a doctor; but she used rather to smile, and say no doctor would do her any good. The medicines were kept in that piece of furniture which they called the wardrobe. Angus kept the key then; the Witness has seen the place opened. She says she has called since she left the service, and Miss Burns was in a poor state of health, but the witness had no reason to suppose she was withchild. The witness was examined at Liverpool, and though she has given her testimony for the Prisoner, she was not brought there for him, but was brought by Mr. Statham, the Attorney for the Prosecution. On cross-examination, she says she never was forbid to go into the Prisoner's room, though she did not carry the tea-things in; Miss Burns took them from her at the door; the Witness used to carry them to her Master's bed-chamber door, and there Miss Burns came out and received them, and they breakfasted together. The Witness says she told her she gave too great liberties, and once asked her if she was to be married to the Prisoner. She says they made no secret of this; she believes it was when he was not well that the young lady used to breakfast with him in his bed-room. The Witness made the beds, and she says she has no reason to believe that any indecent familiarities had ever passed between them; as she made the beds, if any other person besides Mr. Angus had been there, she must have known it.

Then *Dr. Carson* is called, who is a physician at Liverpool; he saw the stomach and uterus of the deceased at Mr. Hay's; he examined it as far

as he could; he observed the appearances in the stomach as described by Mr. Hay. He thinks the hole must have been occasioned after death; for he cannot ascertain any poison of so acrimonious a nature as to produce a hole of that magnitude, that would not have occasioned other destructive effects throughout the whole surface of the stomach; he said the acrid poison must have been tossed from one portion of the stomach to another, from the activity of the poison, from the vomiting and pain, or other circumstances. He says, if appearances of this sort had arisen from the poison, it must have been when it was in its greatest quantity and concentration on the stomach, for it was all washed out at the time of death, and, as that was the case, the hole must have been produced some time before death, in which case the greatest part of the fluid taken into the stomach must have passed through this hole into the general cavity of the belly. Besides, he says, in this instance, the symptoms of such a terrible poison do not appear. In such cases the most violent convulsions have always preceded death; and anguish the most horrible, such as has been by no means described in the history of this lady's decease; he has heard the evidence given, and he thinks that in point of violence, the symptoms are not to be compared with what would have taken place from the action of a mineral poison. He says, in this instance, there are none of the grand circumstances which should occur in such cases—there is neither the existence of the poison discovered in the stomach, nor those appearances which are suitable to it on dissection, nor yet the symptoms which poison gives rise to during its operation; he says, it is generally supposed that a complete proof of poison cannot be made, unless

there is a combination of those circumstances; but a hole after death is by no means an uncommon appearance even when no previous disease has existed, nor any acrimonious poison been taken into the stomach. The decided opinion of the witness is that the cause of this hole has arisen since death; the description which has been given by the medical Gentlemen of the soft, pulpy, ragged parts about the place where the hole was; the description they give of those parts which remain, is the very description used by Mr. Hunter in giving an account of such circumstances happening after death. In one, which the Doctor speaks of, the Diaphragm itself was found to be perforated, another is the case of a soldier who was executed, and he refers to some others mentioned by Sir John Pringle; though the Witness does not agree with Mr. Hunter in some of the inferences which he draws from those cases. The words made use of in the case stated by Mr. Hunter are that the parts were "pulpy, tender, and ragged, and had the appearance of having been acted upon by the Caustic Alkali." He says, it is very seldom, they find cases in dissections in which there are not some differences; there are circumstances which render the evidence given respecting the expulsion of a fœtus from the uterus, at least doubtful; and the circumstance which the doctor alludes to principally, is the very dilated state of the cavity of the uterus. The reason why women do not flood to death on the separation of the Placenta, is the contraction of the womb, and he supposes if there had been a delivery, and the womb had contracted, the state of it must have been extremely different, since after delivery, he says, it contracts so as almost to abolish its Cavity; he says it is indeed larger then, than in its unimpreg-

nated state, but that arises from the walls of the uterus, and not from the extent of the cavity itself. Where the womb has not contracted, there is always a great flooding, and he thinks, if this womb had lately parted with a placenta, the mother must either have flooded to death or the womb must have been gorged with coagulated blood; if she had flooded to death in consequence of the womb not contracting, the bed where she lay, and her cloathes must all have been drenched with blood. He thinks the most probable account of the appearance in the uterus is, that it has proceeded from a dropsy in the uterus, a dropsy of the hydatids in that part. These, he says, are attached by pediculi, to the external surface of the womb, and when by an action similar to that which takes place in parturition, they are expelled from the womb, the mouth of the womb is dilated. The pediculi resemble the marks occasioned by the expulsion of the placenta or after birth; and he thinks the appearances occasioned by the expulsion of the Hydatids would be very much the same as what this uterus presented. When the dilatation is occasioned by the expulsion of the Hydatids, there may not be such a flooding, though the womb should not contract much, because the vessels nourishing the Hydatids, may be supposed much smaller than those nourishing a fœtus. He agrees in opinion with the other Physicians, that the deceased did not die of a flooding. On cross examination, he says that the symptoms of vomiting and purging might arise from the cause he alludes to; those symptoms would have been much more horrid in the case of strong poison. He says he is not an accoucheur, and that he has never delivered a woman himself. He says he saw the part which is supposed to have

been the place where the Placenta was attached, and that the description given by Dr. Astruc of the expulsion of the Hydatids, and the marks that they leave, corresponds with the appearances that were discovered in this instance. He saw the uterus ten days after the death; he has seen one dissected; and he says that his opinion that it would be right to proceed on the supposition of the Hydatids, arises from there having been neither a flooding nor any coagulated blood.

Now, Gentlemen, this is the whole of the evidence which has been given in this case, both on the part of the Prosecution, and on the part of the Prisoner, as it appears on the notes which I have read to you. I am very sorry that in a case of so much importance, through extreme fatigue, I have only been able to lay it very imperfectly before you, but perhaps the points upon which you are to decide, may resolve themselves into very few particulars.

In the first place, it is made a matter of doubt, by contrary evidence, whether the deceased was delivered of a child or not, that however, you see, is not the question which you are trying here. You are trying whether the deceased was murdered by poison, and the circumstance of her having had a child, coupled with other circumstances, is one of those which is supposed to lead towards convicting the Prisoner of the crime of murder. But that is really almost like trying another and distinct case, because supposing that she was not with-child at all, still she might have died by attempts to procure an abortion, and as I told you before if such attempts were used, and the Prisoner was concerned in these endeavours, and they terminated in death, he would be guilty of murder. To prove that that

was the case, they undertake to shew, that she died in consequence of those appearances which you have had an account of, and which were found in the stomach, and there would be no doubt of the justness of that conclusion, provided those appearances offered a full and sufficient reason to believe, that the injury was done to the stomach during the life of the party, by the introduction of some acrid substance; but on the part of the Prisoner, it is contended (and that in evidence too) that it is an appearance which might arise in the stomach after death, by being acted upon by the juices contained in the body. And after all this supposition, should you really be of opinion, that she had taken something or other which had occasioned that hole, and so brought about her death, still it would be for you to enquire whether that was done by the deceased herself, or whether the Prisoner at the Bar was concerned in the act.

With respect to the circumstance of the deceased having been with-child, you are put into the place of deciding where Doctors disagree. You know it is a common observation that is made in such dilemmas as these, "who shall decide when Doctors disagree?" and yet you are under the necessity of making such a decision in the present case. On the part of the Prosecution you have had several medical Gentlemen called, who all join in one account, and they endeavour to prove, or at least they give you a very decided opinion, that there must have been a recent delivery of some sort or other. It does not appear that there was any examination of the breasts of the party, or whether there was any appearance of milk there, and perhaps such an expectation might be premature, if its birth was hastened by improper means;

if it was a miscarriage, there might not be any appearance of milk coming into the breast, or any thing of that sort. But what they principally found their opinion upon, is, that the womb was of an uncommon size, which it could not be if in an healthy state, and unimpregnated; and, from the mouth of the cavity, and above all from what they consider the manifest appearance of the after-birth, which had been recently separated from the part to which it is attached, they draw the conclusion that she must have been delivered of a child. On the part of the Prisoner, Dr. Carson tells you quite a different story; he thinks the most probable cause of those appearances was a species of dropsy in that part of the body, and that the expulsion of what he calls the hydatids in the way in which he supposes them to have been expelled, would account for them all. Then, in order to favour the one supposition or the other you have very varying testimony as to the appearance of the woman herself before she did die. Many witnesses have been called on the part of the Prosecution, to shew, that for a considerable time before her death, she was seen to have considerably encreased in size, and by more than one of them, to have gradually encreased, so as to have induced them to draw the inference, that she was in a state of pregnancy.—On the other hand you have several persons called on the part of the Prisoner to prove that she was always complaining, but of a very different subject, and particularly the woman referred to as her most intimate friend, who tells us she has even slept with her, she, and her mother also, inform you that the deceased was apprehensive of a dropsy, and the species might perhaps be that, which Dr. Carson supposes her to have really died of; so that as to

this point there is a considerable contradiction in testimony not only with respect to her appearance, but also with respect to the opinions of the Doctors formed on the examination of her body, on its dissection.

Then, with respect to the administration of poison, evidence has been laid before you, of many actions done, and expressions used by the Prisoner at the bar, shewing that he had turned his thoughts and attention to the procuring of abortion. I am afraid that in many cases we lay too great a stress upon circumstances of this sort, which do not lead to that certain conclusion which we should seek for where such a crime as murder is imputed, and it seems to me that many such circumstances may be left out in the present case. One of them is a coversation which took place twelve years ago. Why, has any thing been done, in consequence of that conversation? All you find, is, that the Prisoner had been studying medicine, that he had got some little notion of his own on that subject, and fancies he is a kind of a Doctor; that he has a collection of medicines, and in the course of his studies, has been practising in the small extent of his family, and acquaintance; then he is talking of his skill, in procuring abortions, and so on, but you will find, that in no one instance, in which such evidence has been given, is it pretended that those notions were acted upon, on the present occasion. Another of them was merely an account of the Prisoner's examining a picture in a book, and of his pointing to a particular part, and shewing by what means he could procure abortion, namely, by touching a particular part of the womb by an instrument. There is no pretence to say, that any proof of that sort of conduct has been discovered in the present instance. The charge is, that the death of this person was pro-

cured directly by the administration of poison; and there seems to be no evidence, from which we are warranted to conclude, that the Prisoner has attempted to avail himself in the present instance of that secret (as it was considered by the person with whom he was conversing) and his expression, that he had taught it to one young man, who, he believed had made an improper use of it, certainly goes no way to prove him guilty of the offence, for which you are now trying him. Another circumstance is his being in possession of the oil of Savin. It is very manifest, (whether the article is possessed of that property or not) that no abortion was procured in the present case, by the administration of such a medicine, because the symptoms complained of by the deceased, are not such as the oil of Savin has been found to produce. Experiments have been tried with it on dogs, and they have always begun by producing giddiness and stupor; indeed, I think, the application of the Savin oil is not a circumstance very much to be relied upon, nor do I think you would be warranted in concluding, that that which the Prisoner had, was meant for this unfortunate woman to take, in order to procure abortion; for if it was used for that purpose, the inference would be, that she had escaped death from that means, and that she has lost her life from some other cause. The sort of poison which seems most relied on, is a poison of some mineral, as arsenic, which is a most desructive poison, or corrosive sublimate, which would be equally deadly; one or both of these are the species of poison to which they attribute what has happened. With respect to that, reliance was had upon this circumstance, that, in the wardrobe of the Prisoner there was found a large bottle, containing a

mixture, which certainly consisted of these two substances, arsenic, and a large quantity of corrosive sublimate, as much as the water it was put into would dissolve. Why, certainly, it is possible that that might be applied, but then, look at some other circumstances which are rather in favour of the Prisoner. This mixture was not any thing which he kept in secret, or that he had concealed from any body; it was a considerable quantity which was kept in a place he called his wardrobe, and was described on a label upon the bottle to be poison water. Now, if instead of having kept it there, he had kept it in his own closet, locked up, the inference would not have arisen in his favour; but here it is proved that the deceased herself kept the key, and whenever she went there must have seen this label, and been aware of the poisonous contents of that bottle.

The circumstance which presses most against the Prisoner at the Bar, is his conduct in being so continually with the deceased during the time of her illness. It seems extremely odd, and one hardly knows how to account for it, that where there are two women and only one man, and a third woman the patient, and in such a situation as to require the attendance of her own sex, that the Prisoner should have always been with her at night; one would have supposed that, from motives of delicacy, he would have arranged things differently. There is an indelicate appearance in it, and it seems to be that kind of conduct that presses most strongly against the Prisoner. There was a near connection between them, certainly; the Prisoner having married a half sister of the deceased. The deceased too had lived in the family during the continuance of that connection; and she had con-

tinued to live with him since the death of his wife. Besides this, it would seem that she has been peculiarly entrusted by him in the concerns of his family; from all these circumstances there might be rather more than a common regard between them, and it is possible that this, together with other circumstances that have been alluded to regarding the state of mind he was at that time in, may have had considerable influence upon him, and have caused him to act in this way. But you have farther to consider, and to couple with these circumstances, the peculiar state and condition of the deceased. She was taken very suddenly with an illness. Her illness commenced on the Wednesday; it continues incessantly for a long time with violent vomiting and great pain, and then a lax takes place. In this state she remains; if she had been with child, there must have been great difficulty in her being delivered and getting rid of those appearances, without discovery, even though she and her master were left alone in the manner described; for she has been represented as being so ill that she could not, at times, move from chair to chair without leaningupon them; in short, she is represented to have been quite incapable of stirring, and if there was any relaxation at all, it was towards the evening of Thursday; but that possibly might arise from circumstances no way connected with the real state of her health at that time, because she was then getting worse and worse, and died pretty early the next morning. The state of the body is extraordinary, undoubtedly. That such a circumstance as this should have happened to her; that she should have been apparently in good health until this Wednesday morning, and that, after her death, the stomach should have been found in

the state that is represented to you, is certainly very remarkable. You have the opinion of most of the medical men upon the subject, that that hole was the cause of her death, and they farther state it to be their opinion, that it was occasioned by some mineral poison. The body is searched, the stomach is opened, and the abdomen; and a large quantity of liquid is collected from each of those parts; and that collected from the stomach was that which was most likely to afford the test they wanted to receive of the fact of poison having been used. They expected they should certainly have found it; and by the chemical tests which were applied, if it had been contained in that fluid, there is no doubt that it must have been detected. However those tests are applied, and when applied, they produce nothing: there is nothing of that sort discovered. All this, together with the conduct of the parties living together in the way they did, gives us many circumstances to account for, and to reconcile. There are many circumstances that would seem to indicate an improper connection; and if we suppose an improper connection to have taken place, then one would naturally suppose that that pregnancy had happened, that had produced those several appearances. The account given by one of the witnesses of their breakfasting together occasionally in his bed-room, I do not lay much stress upon, for it was very likely that might have happened at such periods of time that he was afflicted with sickness, and whenever she did breakfast there, it appears that access to the room was never denied; the door was never locked; there was no secrecy observed. Still, however, it is possible that there may have been such a connection, and that that connection

may have produced a child; yet the concealment may have been no more than the concealment of the birth of a bastard child. If so, it has certainly been very dexterously concealed; but though the case meant to be made out on the part of the Prosecution, supposes that the birth had taken place, yet the concealment of what had happened does not necessarily imply the charge of murder. Diligent search has been made for the child, and none is found; however, the Physicians tell you, that there were appearances which indicated that the child had come to pretty near its full growth. If there was nothing more than the concealment of the birth of a bastard child, that is not the circumstance you are to enquire into, it is only a circumstance of conjecture, and a supposition leading to the conclusion of another fact, namely, that the child was unlawfully forced from its situation, that that was done by the administration of poison, and that that was given for the purpose of procuring abortion.

A charge of this sort, Gentlemen, requires to be made out with the greatest satisfaction. It is very unfortunate, that upon every particular point we are to rest upon conjecture. It is a conjecture to a certain degree that she was with-child, and it is conjecture to a certain degree, that any means were used to procure an abortion. If they were used, it is conjecture that the Prisoner at the Bar, was privy to the administration of them, or that he either persuaded, or deceived her, in that act. Though there are circumstances of strong suspicion against the Prisoner, in the rest of the evidence, which relates to that part of the subject; yet, upon the whole, I think the probability seems to be in his favour.

With respect to the circumstance of her having been delivered of a child, I incline to think, that the accout given on the part of the Prosecution, is the more probable one, as it respects the fact of a child having been born. At the same time one is under considerable difficulty to conceive *when* it was born. The parlour door was never locked, for instance, and it does not appear that any body who came there ever found any obstacle in going into the room. Why, if they were engaged in administering a medicine of this sort, how could they be sure when it would take effect? The maid servant attends her in the day time, and no secrecy was observed by her on their part; indeed that would not answer, unless they precisely knew the time when the miscarriage would take place. It was as likely to take place in the day-time as in the night, and he would most likely be as jealous of its taking place then. But in the day-time, it is impossible that this could have happened, and as to its taking place in the night, it is very difficult to conceive how it could; there is no appearance from any circumstance, from the state of linen, the state of the sofa, the carpet, or any thing; there is no circumstance of that sort, which could indicate that at any particular period, the event is likely to have taken place. Then the man was fast asleep at the time the death really happened; for there does not seem to be any probability that it was either a short sleep, or a pretended one; on the contrary, the fatigue he underwent may very naturally account for his falling asleep just at this time. But his being in the room just at that time proves nothing with respect to what had happened; that could not have been the time when she was delivered. How then could he have managed all this - or

how could he have conveyed away the child unobserved? I protest, I am unable to explain it, and yet the evidence of the Physicians goes very strong to prove, that a child had been recently born. But if that fact were established, you have still to be satisfied that this woman died by poison. You see the conduct of the Prisoner appears to be that of kindness and affection. He has always behaved to her with tenderness; and after a Clergyman went there, and had a communication with him upon all the circumstances, rather pumping him, as it were, to make a disclosure, (such, at least, would have been the inference, if he had not told you that he went there from friendly motives) and yet, after all the tests and trials he had put him to, he goes away perfectly satisfied, that the man was entirely innocent of what had happened. This Witness believed he had told him in sincerity, the truth. Now, Gentlemen, that sort of conduct, and the kindness he had shewn her, on former occasions, raises much greater doubt of his character, as to his being capable of incurring the guilt of so foul a crime. It is true, that in the conversations he has had with some other witnesses, he seems to have laid down some latitudinarian principles, as to the subject of abortion—yet, as it seems he thought he could do it, so as to prevent life (as he terms it), and do it with saftey, by means of some of those instruments, which he has talked of, why had he not recourse to that experiment much sooner? His principle of religion or morality, would not stand good here, because if he lets the child continue in the body, till it is quick in the womb, it destroys that principle, by which in his converstions, he would attempt to justify an act of this sort. But there is great difficulty in making

use of such conversations, in order to prove a man to be of a wicked disposition; for people very often talk loosely, in a jocular and idle way, not seriously meaning to put in execution, the practices they attempt to defend; and why should this man, for any other purpose than curiosity, think of employing himself in matters of this sort, so many years before any thing had occurred, which would induce one to suppose that he had put them in practice?

There is certainly a considerable difference of testimony in this case; you have medical Gentlemen on one side who tell you that in their judgments the deceased must have been poisoned. But are they sure of it? They won't say they are. Upon what do they found their opinion? Not upon actual experiments made by themselves, or by any body they know of. They found a great deal of that opinion upon what they have read in books; upon mere theory. Some of them have read one author—they give credit to him; another tells us of some other, whose writings promise very great advantages to society; they consider him as a great authority, and give great credit to the instances he recites, upon which his opinions are founded; but then they own they differ from him in many of his conclusions, so that a great part of this is a subject of controversy even among the learned themselves. One man indulges one theory, and another, another. You are told by some of those Gentlemen that the deceased must have died by poison because such and such appearances were found in the stomach, and perhaps the greater number of instances may accord with their opinion. But are they sure that in all instances it is so? There are other cases adduced where there has been no poison administer-

ed, in which some of their descriptions apply exactly to the state in which this stomach was found.

Gentlemen, under all these doubts and difficulties, even if I were inclined in my own mind to attribute the death of the deceased to poison, I should have great difficulty in finding a verdict against the Prisoner. In cases of this nature we ought to be thoroughly satisfied in the conclusions we draw; for if after all it comes to be mere conjecture, though it may be supported by more plausible reasons than those which can be offered on the other side, yet if the conclusion is uncertain (and the medical people do admit that there is a degree of uncertainty attending it) it will be necessary for you to consider carefully, how far you would be warranted to find the Prisoner guilty.—If you are satisfied that this woman was delivered of a child, and that that delivery was procured by violent means, by poison, that that poison occasioned the death of the woman, and that the Prisoner himself was concerned in her taking it, that he either imposed upon her, and so deceived her in the act, or aided and assisted her in it; if you are thoroughly satisfied of this, you must find him guilty of the crime he is charged with. On the contrary, if notwithstanding a great many suspicious circumstances, if notwithstanding all these many learned opinions which one would wish to follow without reserve in any other instance than this, where we are about to decide on a man's life, if notwithstanding all these strong circumstances you should be dissatisfied, it will be your duty, if you entertain any doubt upon the point, to let the Prisoner have the benefit of it. As to the evidence of these learned Gentlemen, you are as good a judge of it as I am. The science of medicine is

quite out of my sphere, and except knowing the names of a few parts of the human body to which they have alluded, I am no more competent to form a judgment upon it than yourselves. If you are really of opinion that the Prisoner did commit the act with which he is charged, the crime certainly is an enormous one, and the law, justice, and humanity, ought to be satisfied; but if you entertain any doubt about it, you will of course acquit him, considering that it is better that ten guilty persons should escape than that one innocent man should suffer.

The Trial commenced on Friday morning at eight o'Clock, and lasted till about half past three on Saturday morning, when the Jury after a few minutes deliberation, returned a verdict, finding the Prisoner NOT GUILTY.

Printed by W. JONES, Union Court, Castle Street, Liverpool.

A

VINDICATION

OF THE

OPINIONS

DELIVERED IN EVIDENCE

BY THE

MEDICAL WITNESSES

FOR THE CROWN,

ON A LATE TRIAL AT LANCASTER,

FOR MURDER.

LIVERPOOL:

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PRICE THREE SHILLINGS.

1808.

TO

THE GENTLEMEN

WHO HAVE HONOURED US WITH THE TESTIMONIES

CONTAINED IN

THE FOLLOWING PAGES,

THIS PAMPHLET

IS RESPECTFULLY INSCRIBED,

BY THEIR

OBEDIENT SERVANTS,

JAMES GERARD, M. D.

JOHN RUTTER, M. D.

JOHN BOSTOCK, M. D.

THOMAS FAIRFAX HAY.

Liverpool, Oct. 26, 1808.

INTRODUCTION.

THE circumstances which attended the death of Miss Margaret Burns in the month of March last, and the proceedings which, in consequence, have since taken place at Lancaster, are so well known to the inhabitants of this town and its vicinity, that it might seem to be unnecessary to enter into a particular history of them here. But as this pamphlet may possibly be circulated beyond the limits of Liverpool, or even of Lancashire, it will be proper briefly to lay before our readers a statement of those circumstances, and of the reasons which have led us to solicit the public attention to the subject. Such a statement is necessary, as an apology to our readers for presenting to them a detail of appearances, and of facts, which, however familiar it may be to us, cannot be familiar to them; and to many, it may, perhaps, be painful, and disagreeable. But we are not to blame for this; and we are persuaded, that we shall not be censured for the step which we have thus taken, in the just defence of our opinions.

On the 25th of March, 1808, Miss Margaret Burns, a young lady residing in this town, died rather suddenly, under circumstances of a very peculiar nature. These circumstances gave rise to some unpleasant rumours respecting the cause of her death; and these rumours having reached the ears of the coroner, he directed an examination of the body to be made. At his request, three of us, whose names are signed to this pamphlet, examined the body, and reported to him the state in which we found it, and the conclusions which we had drawn from what we saw. In consequence of our report, a jury was summoned by the coroner, to inquire into the cause of her death; and after a very laborious investigation, they brought in a verdict of wilful murder against Charles Angus, in whose house the deceased had resided. In the mean time, Mr. Angus had been arrested on suspision, and was afterwards committed to Lancaster Castle for trial. The trial was held at Lancaster, on the 2d of September, before the Hon. Sir Alan Chambre, Knight; and after a hearing of 19 hours and a half, the prisoner was acquitted.

In the course of this trial, and after the evidence on the part of the prosecution had closed, and two or three witnesses had been examined on behalf of the prisoner, there appeared, as a witness also

on his behalf, Dr. James Carson, a Physician, who has resided a few years at Liverpool.

The appearances which we found on examining the body, led us to the conclusions, that the deceased had been delivered a few hours before her death, of a child, nearly full grown; and that her life had, probably, been terminated by poison. But Dr. Carson, in his evidence on the trial, endeavoured to explain these appearances, on grounds different from ours: and it has been generally supposed, that in consequence of the doubts which he had thrown upon the opinions delivered by the medical evidence for the Crown, the prisoner was acquitted. Whether this supposition is well founded or not, it is not to our present purpose to inquire. But when Dr. C. found, that the evidence which he had given on this occasion, had excited uncommon indignation against him, he proposed to publish a defence of that evidence. And in the mean time, whilst he was writing such defence, he addressed a note to different persons, desiring them to suspend their judgments, and to recommend their friends to do the same, "as he was preparing a statement of the whole case, to be submitted to the Colleges of Physicians and Surgeons at London and Edinburgh, and for publica-

tion." This is the language of one of his notes, which now lies before us.

One copy, at least, of his defence has been printed, we believe, but the work is not yet published. But if he had not written any thing on the subject, or had not taken any pains to support and strengthen his opinions, it was absolutely proper, in every point of view, that the subject should be thoroughly investigated. It is of the utmost importance that the truth, in this case, should be ascertained. By such an investigation, not only will the present question, in dispute, be decided; but, what is of more consequence, opinions formed on futile and fallacious grounds, may, perhaps, be prevented from being regarded hereafter, on any similar occasion, as equivalent in evidence to those which are considered by the profession at large, to be founded on the solid basis of experience and observation. Viewing the subject in this light, we do not think it necessary to wait for the publication of Dr. Carson's pamphlet; which, probably, contains no more than an illustration, or defence of those opinions, which he has in a much more solemn manner promulgated upon oath, in a court of justice; and which opinions, by the publication of the trial, are now fairly before us.

Having thus laid before our readers an, account of the circumstances which have induced us on this occasion, to take up the pen, we think it necessary to premise, that it is not our intention to touch at all upon the judicial proceedings in this case. Our proper business is with the medical evidence alone. With this view we propose to lay before our readers—

1st. A narrative of the circumstances attending the examination of the body of Miss Burns, together with an account of the appearances, and a statement of our opinions, supported by those of highly respectable practitioners in the metropolis, as well as in Liverpool.

2dly. An examination of Dr. Carson's evidence given on the trial.

And lastly, Some general observations on the subject, and on medical evidence.

Section I.

NARRATIVE, &c.

AS the Trial of Mr. Angus is now published, and Dr. Carson's evidence on the subject is before the world, in which evidence he has arraigned the opinions which we have given upon it, we think it incumbent upon us, in the first place, to lay before our readers, a statement of the circumstances attending the examination of the body of Miss Burns, together with a copy of the report which we delivered to the Coroner, during the inquest; and also a more minute description of the appearances observed, than we thought necessary to lay before the Coroner. This will be particularly useful to enable our medical brethren to understand the grounds of our opinions on the subject, and to decide the question in dispute, between us and Dr. Carson; for by their verdict the question must now be decided.

On Sunday, the 27th of March, 1808, at noon, Dr. Rutter received a note from Thomas Molyneux, Esq. Coroner for the Borough of Liverpool, requesting that he would take with him an experienced Surgeon to the house of Mr. Charles Angus, there to examine the body of a young lady who had died suddenly. After sending a

note to Mr. Angus to inform him of this request, he called upon Mr. Hay and Mr. Christian to attend him; and as his own testimony on affirmation would be inadmissible in a criminal case, he requested Dr. Gerard to accompany him.—Accordingly about two o'clock, he went with Dr. Gerard and Mr. Hay, and Mr. George Robinson, Mr. Hay's Assistant, to the house of Mr. Angus, and proceeded to examine the body; but before the body was opened, they were joined by Mr. Christian who was present during the examination. Mr. Christian was under the necessity of going out of town on business the same day, and therefore he was not called as an evidence before the Coroner, nor did he take any share in their future proceedings.

As soon as the examination was finished, a verbal representation of the appearances was made at four o'clock to the Coroner, who was waiting at Dr. Rutter's to receive it. In consequence of this, the Coroner summoned a Jury to hold an inquest into the cause of death, on the following day. The inquest sat by adjournments from Monday until the ensuing Friday at night. And in the course of their proceedings, but before the medical Gentlemen gave their depositions, the following report was presented to the Coroner in writing, of the appearances observed on examining the body of the deceased, and of the conclusions which were drawn from them:

Report of the circumstances attending, and of the appearances observed, on an examination of the body of Margaret Burns, instituted at the request of Thomas Molyneux, Esq. Coroner of the Borough of Liverpool, on Sunday the 27th of March, 1808, between the hours of one and four in the afternoon.

" On our arrival at the house we were introduced into a Parlour, where we found Mr. Angus, with some other persons to us unknown; and we delivered to him the note from the Coroner as the authority under which we acted. Upon perusing it, he expressed perfect willingness that the examination should be made. We were then introduced into the room up stairs where the body of the deceased was laid. Before we proceeded to examine the body, we inquired of Ann Hopkins the Cook, how long Miss Burns had been ill, when she died, and what symptoms of disease she had manifested; and we were informed by Ann Hopkins, that Miss Burns had been ill two days, had died on Friday the 25th inst. at a quarter past eleven in the forenoon; and that she had been affected with sickness, and looseness, and shortness of breathing, but with no other complaint. After having removed the body, a small stain of blood was observed on the sheet of the bed on which it had laid; and the pillow was stained with a fluid which had issued from the head. The body being laid on a table, a large quantity of a thin yellowish fluid poured out from the nostrils, and was collected in vessels. No marks of external violence were discovered on the body; nor was there any appearance of commencing putrefaction. The nails of the fingers were of a bluish colour; and the veins on the external surface of the *abdomen* or belly, appeared to be much enlarged. At this period we were joined by Mr. Christian,

Surgeon.—On opening the *abdomen*, a considerable quantity of fluid was found to have been effused into that cavity, similar in colour and smell to that which issued from the nostrils, but more turbid. Marks of inflammation were found on the external or peritoneal coat of different portions of the small intestines; but the large intestines were free from it. The external coat of a part of the smaller curvature of the stomach was also inflamed; and a similar appearance of inflammation was observed on a small portion of the anterior edge of the liver, directly over the smaller curvature of the stomach. On raising up the stomach, an opening through its coats was found in the anterior and inferior part of its great curvature; and from this opening a considerable quantity of a thick fluid of a dark-olive colour issued; of which fluid some ounces were collected and preserved. The natural structure of the coats of the stomach for a considerable space around this opening was destroyed; and they were so soft, pulpy, and tender, that they tore with the slightest touch. Around this part of the coats of the stomach, there were no traces of inflammation whatever. The stomach was then taken out of the body; and its inner surface was carefully washed; and the contents washed out were preserved. A quantity, about three ounces, of a fluid resembling that in the stomach, but not quite so thick, was also taken out of one of the small intestines, and preserved.

" On examining the womb, it was found to be very considerably enlarged, and on its inner surface, the part to which the *Placenta*, or after-birth had adhered, was very plainly discernible. This part was nearly circular, and occupied a space of about four inches in diameter. The mouth of the womb was greatly dilated. In a word, the appearances of the womb were such as might have been expected a few hours after the birth of a child nearly full grown.

"The fluid taken out of the stomach and intestines, and cavity of the *abdomen*, as well as that collected from the nostrils, was taken away; and afterwards, in the course of the same day, examined, and subjected to various trials, with a view to discover the presence of such mineral substances as were likely to produce appearances or effects similar to those which were found in the stomach of the deceased. In this examination, we thought it right to request the assistance of Dr. Bostock. The contents of the stomach were, as has already been mentioned, of a dirty-olive colour, thick, and of an acid smell. A considerable number of large globules of a dark-coloured, dense, oily fluid, floated upon them; but of no particular smell that we could discover. We could not discover in the contents of the stomach, by the smell, the presence of any known vegetable substance, capable of producing deleterious effects when introduced into it. The fluid contained in the stomach deposited no sediment; nor was any but a mucous sediment found in the water with which the inner surface of the stomach was washed. Upon subjecting the contents of the stomach, in the state in which we found them, to such tests as are deemed sufficient to detect the presence of any active preparation of Mercury or Arsenic, we could not detect either of these substances. The contents of the stomach were then filtered, and subjected to the same trials, but with the same result. These trials were made at Dr. Bostock's, in the presence of Dr. Gerard and Dr. Rutter.

"This being the result of the observations and inquiries which we have made, it remains for us to state the inferences which we think ourselves warranted to draw from a deliberate view of the facts.

"In the first place, we are decidedly of opinion, that the deceased must have been delivered, a short time before her death, of a fœtus, which had arrived nearly at maturity. It

is not possible to account for the state in which we found the womb, on any other supposition.

"In the second place, we are decidedly of opinion, that the altered state of the structure of the coats of the stomach was not the effect of putrefaction. We are also of opinion, that it was not the effect of disease. It had not the appearance nor the color of gangrene; nor was it surrounded with those marks of inflammation which must have preceded gangrene; and of which inflammation, distinct traces would have remained. There is only one appearance, with which, in our opinion, it could be confounded; and that is, the solution of the coats of the stomach, by its own peculiar fluid, the gastric juice. This solution is, however, a rare occurrence, and has almost only been observed in persons who have died suddenly, by accident, or violence, without any previous disease, and in whom the gastric juice has been in a state of great activity. In such instances, the coats of the stomach have been rendered soft and pulpy; and in some cases they have been perforated. When the coats of the stomach have been thus dissolved, and the gastric juice has escaped into the cavity of the *Abdomen*, it has also acted upon, and partially, dissolved portions of the other viscera, with which it came in contact. In the case of the deceased, no such effects were observed in any of the other viscera. In her case, there was great previous disorder in the stomach, such as violent vomiting for upwards of 24 hours:* and the stomach, at the time of her decease, contained nearly a pint of fluid, which must have diluted the gastric juice, even if it had been secreted in any extraordinary quantity, or had possessed any extraordinary degree of solvent power, and thus must, in all probability, have rendered it unequal to produce the appearances and effects observed.

"Upon a full consideration of these circumstances, and connecting them with the symptoms with which the deceased was

* It was nearly 48 hours.

affected, we think it highly probable, that the very uncommon change which the coats of the stomach had undergone, and which, we believe, was the cause of her death, has been occasioned by the introduction, into the stomach, of some unknown agent, capable of destroying the texture of that organ.

Liverpool, March 30, 1808.

JOHN RUTTER, M. D.
JAMES GERARD, M. D.
THOMAS FAIRFAX HAY, Surgeon.

To Thomas Molyneux, Esq. Coroner for the Borough of Liverpool.

Witness to the examination of the contents of the stomach and bowels,..... } JOHN BOSTOCK, M. D.

Witness to the examination of the body,..... } GEO. A. ROBINSON.

From the time when we drew up this report, on the 30th of March, until the day of the trial on the 2d of September, we had not the most distant conception, that any person could be produced, who, after having seen the *Uterus*, would attempt to explain the state in which it was found, on any other grounds, than those of pregnancy, and subsequent delivery of a child. The *Uterus*, as well as the Stomach, both of which had been taken from the body of the deceased, were shewn, without the least reserve, to every medical Gentleman, who had a wish to see them; and indeed we were desirous that they should be inspected and examined by others of the profession, besides ourselves; and not one individual, who saw the *Uterus*, ever expressed, as far as we know, the slightest doubt upon the subject of Miss Burns' pregnancy. Dr. Carson saw the *Uterus* amongt others, and the stomach also; but at that time, although he knew

our opinions on the subject, he expressed no doubt about the pregnancy ; nor was one word then said by him about Hydatids. If any proof could be established, by inspection of the *Uterus*, that its growth and enlargement had depended upon Hydatids, that proof must have been the strongest whilst it was yet comparatively recent: yet he gave no hint of this, when he saw the *Uterus ;* nor did such a thought enter into the mind of any other man who saw it ; and it was seen by a considerable number of professional Gentlemen. They believed then, and they still believe, that the appearances in the *Uterus* had been occasioned by pregnancy and delivery alone. We shall hereafter produce their testimony in support of our opinion. They are men of character and principle : some of them have, for a very long period, maintained, deservedly, a high degree of estimation in the opinion of the profession at large, as well as the public ; and they are utterly incapable of delivering, for any personal or private advantage, any other than their real and genuine sentiments.

As, however, Dr. Carson has endeavoured in his evidence on the trial, to explain the state of the stomach, and particularly of the *Uterus*, on other grounds than those which we have adopted, and has thereby done his utmost to impress the Court and Jury, with an idea that we were altogether wrong in our judgment of the case, we think it right, for us, in our justification, to enter more fully into a description of the state both of the stomach, and of the *Uterus*, and neighbouring parts, than we thought needful in our report to the Coroner. It will then be clearly seen, whether the appearances will admit of any other explanation than that which we have given.

The *Uterus* was so enlarged as to be capable of containing nearly a quart of fluid. The *Os Uteri* and the soft parts were also greatly dilated. Before the *Uterus* was removed from the body, Mr. Hay placed his left hand upon the *Fundus Uteri*, and introduced his right hand with the greatest ease into the *Uterus*, until the fingers of his right hand could be felt by those of his left, through the *Fundus*. The *Uterus* being taken out of the body, an incision was made along its whole length, and its cavity laid open. The whole internal surface of the *Uterus* was bloody; and near the *Fundus*, there was a well defined circular space of a deeper colour than the rest of the internal surface, and about four inches and a half in diameter.—This space was rough and rugged, and a small fragment of what appeared to be the *Placenta*, still adhered to it; and the blood-vessels opening upon it, were distinctly visible, and as large as a crow-quill; whilst every other part of the internal surface was smooth. The walls of the *Uterus* were about half an inch in thickness. There was no coagulum in it. The *Os Uteri* remained in so dilated a state, that the four fingers of a hand, drawn together into the form of a cone, would pass through it, without, in the slightest degree, distending it.*

The *Uterus* was again particularly examined on the 14th of September, in the presence of Dr. Brandreth, Mr. Park, and Dr. Lyon, who were so obliging as to meet us for this purpose, and for the purpose of examining the *Ovaria*; and although it had been kept in spirits nearly 6 months, yet the part to which the *Placenta* had adhered, was still

* Vagina ipsa admodum dilatata fuit. Labia ejus fuerunt livida, et undique sanguine fœdata.

rough; and the openings of the vessels, in that part, were still discernible, whilst all the rest of the *Uterus* was smooth. The *Ovaria* were then, for the first time, divided; and a *corpus luteum* was distinctly perceived in one of the *Ovaria*.† We now proceed to the stomach.

Whether the actual perforation of the stomach existed before death or not, it is not perhaps easy to ascertain. We were, however, satisfied that there must have been such a complete destruction of its texture and organization in a considerable part of it, as to be incompatible with the continuance of life; and that this injury took place before death, and was the immediate cause of death. That we were justified in this conclusion, we apprehend the following fact will sufficiently prove. Upon making an incision through the integuments of the *Abdomen*, a part of the contents of the stomach was found amongst the intestines.

When the stomach was raised from its situation, and examined before its removal from the body, it was found, that for greatly more than the extent of a hands breadth in the anterior and inferior part of the large curvature, the texture of its coats was totally destroyed. The opening was nearly in the center of this injured part. The coats of the stomach in this part were thin, soft, and semitransparent; and the finger burst through them on the slightest

† We did not examine the *Ovaria*, at the time that the *Uterus* was taken out of the body, because we were perfectly satisfied in our minds with the other proofs which we found of pregnancy: and we could not have supposed it possible that the fact of pregnancy in this case could ever have been called in question. It has also been remarked that we did not examine the breasts in this case; the truth is, the other proofs of pregnancy were so evident that no proof drawn from this source could in the least strengthen them.

touch. In this part there was no vestige of organization. Along with this extensive injury in the large curvature of the stomach, there were distinct marks of inflammation in the small curvature, particularly in the internal surface of the *Duodenum*, on the peritoneal coat of various portions of the small intestines, upon the anterior edge of the left lobe of the liver directly over the smaller curvature of the stomach, and upon the peritoneal covering of the *Fundus Uteri*. It is very material, that these two circumstances, viz. the injury in the stomach, and the marks of inflammation above-mentioned, should not be separated in the mind of the reader.

After this description of the appearances, it is proper to relate a short history of the symptoms with which Miss Burns was affected. It was proved before the Coroner, that for some time before her death, she had increased very much in bulk, and had the appearance of a pregnant woman. On Wednesday the 23d of March, she came down stairs about six o'clock in the morning, apparently in good health. In a few minutes afterwards she returned up stairs; and about nine she came down again, much changed in her appearance, and was very ill, so that she could scarcely support herself. A little after nine, the family breakfasted; and soon afterwards, she was seized with most violent vomiting. This vomiting continued day and night without intermission for nearly forty-eight hours, until Friday morning, the 25th; when it ceased, and was succeeded by a *Diarrhea*, which continued until about a quarter past eleven in the forenoon of that day, when she died.—Along with the vomiting she had thirst, and great pain in her body. Her thirst was unquenchable. To allay it,

she drank large quantities of gruel, which was always instantaneously rejected. The pains in her body were so severe, that she could not put her feet to the ground, and she could scarcely bear to be touched; and she was occasionally observed to hold fast with her hands by the end of the sofa, on which she sat. These pains continued the whole of Wednesday and Thursday; but on Friday morning they had gone off, and she appeared to be lighter, and was able to walk across the floor. She was also distressed during her illness with retention of urine.*

The history of the appearances and symptoms being thus placed before our readers, they will be prepared to understand the grounds upon which our opinions were founded.

And first with respect to the stomach.

In the first place, we were decidedly of opinion, that the appearances in the stomach, were not the effect of putrefaction. The weather, at the time of Miss Burns's death, was remarkably cold and dry, and the putrefactive process had not begun in any part of her body. The appearances in her stomach were not at all like those produced by putrefaction. In a stomach which is undergoing the process of putrefaction, besides the peculiar fœtor which attends it, livid blotches will be found in different parts of it; and its coats may be separated from each other without force. But in the uninjured part of Miss Burns's stomach, no such

* This is the account which the servants gave of her illness before the Coroner: it was much more full and particular than that which they appear to have given at the trial.

discoloration was observable; and its coats could not be separated from each other. In the injured part, the colour was not livid; and the smell of it was not putrid, but slightly acid.

Secondly, We were of opinion, that the appearances in Miss Burns's stomach were not the effect of disease. There is no disease to which that organ is liable, which, in our opinion, would produce such appearances. They differed from the effects of ulceration of the stomach in two circumstances; first, because in ulceration which has penetrated the coats of the stomach, the edges of the ulcer or opening are thickened; and secondly, because ulceration is attended with much long-continued disorder; which was not the case in Miss Burns.

Thirdly, We were of opinion that these appearances were not produced by the gastric juice for the following reasons:

1st. Because, when the stomach has been found dissolved by the gastric juice, it has been almost only in persons who have died *suddenly* by accident or violence, and in whom the stomach was in the full exercise of its functions, and consequently the gastric juice was in a state of great activity. But Miss Burns did not die suddenly in the sense in which that word is here intended to be used; and she had severe and violent disorder in her stomach before her death; therefore two important conditions were wanting in her case, to render it at all probable that the gastric juice had occasioned the injury in her stomach.

2dly. Because when the stomach has been found dissolved and perforated by the gastric juice, that fluid has been observed to have acted upon, and

dissolved parts of the neighbouring viscera; such as the Spleen, and even the Diaphragm, and to have penetrated into the cavity of the chest, and acted upon the Lungs. But neither the Spleen, nor the Diaphragm, nor the Intestines, nor any other of the viscera had the slightest appearance of having been acted upon by the gastric juice in the case of Miss Burns.

3dly, Because during the illness of Miss Burns the large quantity of fluid which she drank, and which was immediately rejected by vomiting, must have carried off the gastric juice as fast as it was secreted; and the quantity of fluid found in her stomach must have so diluted and weakened the gastric juice remaining, as to render it unequal to dissolve the stomach itself after death.

4thly, Because the injury was not in the lowest and most depending part of her stomach, but in the anterior part of the large curvature, which would be the superior surface of the stomach, when the body was laid in a supine position, as it always is after death.

5thly, Because the appearances in her stomach did not correspond with the effects of the gastric juice upon the stomach, as described by Mr. John Hunter, the only writer who has described them. His description is as follows.* "By comparing the inner surface of the great end of the stomach, with any other part of the inner surface, the difference will be obvious. The sound part appears soft, spongy, and granulated, *without distinct blood-vessels*, opake, and thick: the other part" (that is,

* Philosophical Transactions, Vol. 62d.

the part acted upon by the gastric juice) "appears smooth, thin, and more transparent: *the vessels are seen ramifying on its surface, and on squeezing the blood which they contain, from the larger vessels to the smaller, it will pass out at the digested ends of the vessels, and appear like drops upon the inner surface.*" Now in the injured part of Miss Burns's stomach, which extended more than two inches around the opening, in every direction, there was no trace whatever of any blood-vessel to be found. The structure of this part was completely destroyed.

Lastly, Because the action of the gastric juice affords no explanation whatever, of the inflammation in the smaller curvature of the stomach, in the *Duodenum*, in the small intestines, the liver, or the *Fundus Uteri*. Nor does it afford any explanation of the sudden and violent illness with which Miss Burns was affected, or of its rapid and fatal termination.

For these reasons we were of opinion, that the injury in the stomach of Miss Burns, was produced neither by putrefaction, disease, nor the gastric juice. It seemed to us most probable, that her sudden and severe illness, the injury in her stomach, and the inflammation in that organ, and the other viscera above mentioned, were occasioned by one and the same cause; and that such cause must have been some deleterious and poisonous substance, taken into the stomach. Such violent effects must have had an adequate cause; and we know no other way of explaining these effects, but that which we have adopted.

We do not apprehend, that our conclusion, with respect to the probable cause of the extraordinary

appearance in the stomach, is at all invalidated by the circumstance, of no poisonous material having been found in the contents of the stomach, after death. It seemed probable to us, on being asked the question before the Coroner, that a poisonous substance might be taken into the stomach, and produce an irremediable destruction of its texture, and yet, that by large dilution, and frequent vomiting, and purging, it might be so entirely removed out of the stomach, that the nicest chemical tests would not discover the presence of it, in the contents of the stomach, after death. But this probability has since been reduced to certainty, by the following experiments.

On the 12th of July last, at 5 P. M. we gave to a small dog, forty drops of a solution of Corrosive Sublimate, containing about one grain and three quarters of Sublimate. It immediately produced vomiting, which continued four hours; and then the animal had several discharges by the bowels, the first of which was natural, but all the rest were dark colored, approaching to black. At 10 P. M. he discharged a good deal of froth from his stomach. 13th, at 9 A. M. he appeared very weak, with a catching of the lower jaw. Some milk was given, which brought on the vomiting again; and this vomiting continued until ten o'clock; when he took more milk, and this also renewed the vomiting. At half past 1 P. M. he died.

14th, at 9 A. M. the body was opened, and the stomach taken out. The bowels were not inflamed. The peritoneal coat of the stomach appeared to be inflamed. The contents of the stomach were of a dark-olive color. The vessels of the internal surface of the stomach, appeared to be finely injected,

and a general redness was perceptible in the large curvature. The corrugation of the coats of the stomach was neither considerable nor extensive; and they were not eroded.

The contents of the stomach were analysed by Dr. Bostock; but no Sublimate could be detected in them.

On the 17th of August, we repeated this experiment, at 35 minutes past 9, A. M. We gave to a small dog, two grains of Corrosive Sublimate, in solution. A very small quantity was lost in giving it. It very soon excited vomiting, which did not last long. The dog eat nothing all day.

18th, at 20 minutes before 10, A. M. we gave him two grains of sublimate again in solution. Afterwards in the course of the day, he vomited a good deal of bloody froth, and had one dark-colored pitchy stool. He died in the night.

19th, at 10, A. M. we opened the body. The peritoneal coat of the stomach was inflamed, and its vessels finely injected. The villous coat was much corrugated and inflamed. On that part of the villous coat which lines the small curvature, there was much blackness, which had the appearance of blood extravasated between the coats; but upon cutting through the villous coat, there was no extravasation. This dark color was different from the deep purple produced by arsenic.

The contents of this animal's stomach, were also analysed by Dr. Bostock, but no Sublimate was found in them; although the tests which he employed, detected Sublimate in a solution, which contained only the three-millionth part of its weight of that salt.

We confess that we expected to have found the stomach more inflamed after death, produced by

poison. But in some experiments which we made for the express purpose, we observed, after giving to a dog a mixture of Emetic Tartar and Sublimate, in such a quantity, as we conceived, to be only just sufficient to destroy life, that vomiting was produced, which, in a few hours, was followed by the death of the animal. But on examining the body, no inflammation was discoverable in the coats of the stomach. These instances we considered to be analogous, in some of the attending circumstances to the case of Miss B. and they naturally incline us to think that in her case, the quantity of the poisonous material exhibited was not large.

We now proceed to consider the reason of the appearances in the *Uterus*. Although it was proved in evidence before the Coroner, and that evidence has since been confirmed at the trial, that Miss Burns had the appearance of a pregnant woman, yet we do not lay much stress upon this circumstance. But upon examining the *Ovaria* since the trial, a *Corpus Luteum** has been found in one of

* The following is Dr. Denman's account of the *Corpora Lutea*.

"The *Corpora Lutea* are oblong glandular bodies of a yellowish colour, found in the *Ovaria* of all animals when pregnant, and according to some, when they are salacious.—They are said to be calyces from which the impregnated *Ovum* has dropped; and their number is always in proportion to the number of conceptions found in the *Uterus*. They are largest and most conspicuous in the early state of pregnancy, and remain for sometime after delivery; when they gradually fade, and wither till they disappear. The *Corpora Lutea* are extremely vascular, except at their center, which is whitish: and in the middle of the white part, is a small cavity, from which the impregnated *Ovum* is thought to have immediately proceeded."

Dr. Denman's Introduction to the Practice of Midwifery, Ed. 5. 1808.

the *Ovaria*, which is a proof, beyond all contradiction, that she had once, at least, been pregnant. Nothing can account for the *Corpus luteum* in the *Ovaria* but impregnation. Now the proof that she had lately been pregnant, and that she had been recently delivered of a child, consists in the placental mark, which was at least four inches and a half in diameter, upon the internal surface of the *Fundus Uteri*, and in the extraordinary enlargement of the Uterine vessels within the boundaries of that mark. Mere enlargement of the cavity of the *Uterus*, and dilatation of the *Os Uteri*, and even Hæmorrhage might have been occasioned by other causes than pregnancy; as by dropsy: but no form of dropsy would occasion that mark: no dropsy would explain the extraordinary enlargement and dilatation of the Uterine vessels within that mark. And in our opinion, no reasoning, nor argument, nor authority, from the days of Hippocrates to the present time, can weaken the proof of recent pregnancy and delivery in this case, drawn from these two striking circumstances, viz. the placental mark, and the enlarged vessels in that part of the *Uterus*: On these two facts we take our firm and decided stand; and we have little doubt of being supported in our opinion on these grounds, by the united voice of the profession.—And here, for the present, we will suspend the further consideration of this subject, until we examine, in the next section, Dr. Carson's most extraordinary evidence, given on the trial.

After thus stating the grounds of our opinions, we must now observe that Dr. Carson differs from us with respect to the causes of the appearances observed both in the stomach and *Uterus*. It will

be recollected that, in our report to the Coroner, we mentioned that, *taking all the circumstances into consideration*, we thought it *highly probable* that the appearances in the stomach had been occasioned by some unknown and deleterious substance taken into it.* But with respect to the cause of the appearances in the *Uterus*, we spoke with a decision proportioned to the strength of our convictions on the subject. On this point we are fully committed. But Dr. Carson maintained in Court a different opinion, and, as far as we can learn, remains yet of a different opinion. We are, therefore, fairly at issue with him with respect to the *Uterus*. As we could not, under these circumstances, entertain any hope of deciding the question in dispute, by asserting our convictions still more positively, we determined to refer the matter to Gentlemen of the highest reputation in the profession; and who from the distance of their residence, could not be supposed to be influenced in their opinions by prejudice or partiality. With this view Mr. Hay went on the 15th of September, to London, and took the *Uterus* with him, and shewed it to the different Gentlemen, whose testimonies are subjoined. In

* We were perfectly aware from the first, that a difference of opinion might exist, respecting the cause of the appearances in the stomach; and all our endeavours were directed to elucidate this point. Our conclusion, with respect to their cause, was not formed from the appearances alone; but from them taken in connection with the history of the previous symptoms. And we are still of opinion, that such symptoms appearing suddenly, and being followed soon by death, and by the discovery after death, of such appearances in the stomach, can only be explained upon the supposition of some deleterious substance having been taken into the stomach.

every instance, he first stated to them his own opinion and that of his colleagues; and then the opinion which Dr. Carson had adopted; and left each of them to draw his own conclusions, after having examined the *Uterus* carefully. Our readers may readily conceive how clear and plain these appearances must have been, which, after a lapse of six months, could draw from each of these Gentlemen so decided an opinion upon the cause of them.

We shall first produce a copy of Mr. Hay's Affidavit, to prove that the *Uterus* which these Gentlemen examined, and to which their opinions respectively refer, was the same which he took from the body of Miss Burns.

Mr. HAY's AFFIDAVIT.

"This day appeared before me Mr. Thomas Fairfax Hay, Surgeon, of Liverpool, and deposed as follows:

"That on Thursday the 15th of September last, he went from hence to London, and took with him the *Uterus* which he had himself extracted from the body of Miss Margaret Burns, on Sunday the 27th of March last: and that he shewed this same *Uterus* to Thomas Denman, M. D. John Haighton, M. D. Henry Cline, Esq. Astley Cooper, Esq. John Abernethy, Esq. and C. M. Clarke, Esq. Physicians, Surgeons, and Accoucheurs, all practising in London; and that the several attestations and opinions which he received from these Gentlemen, relate to the appearances in this *Uterus* alone, and no other.

THOMAS FAIRFAX HAY.

Sworn at Liverpool this third day of October, 1808, *before me, Thomas Molyneux, one of His Majesty's Justices of the Peace, for the Borough of Liverpool.*

We shall next give a copy of the opinions of these Gentlemen, and first of those who practice as Accoucheurs.

Opinion of Thomas Denman, M. D.

" I have seen, and accurately examined a human *Uterus*, which has been shewn to me by Mr. Hay, Surgeon, of Liverpool, and I am of opinion, that this *Uterus* has all the marks of having been impregnated, and distended to a considerably advanced period of Utero-gestation.

THOMAS DENMAN.

Mount-street. 23d September, 1808.

Opinion of John Haighton, M. D.

" I have this day carefully examined a *Uterus* shewn to me by Mr. Fairfax Hay, and from the resemblance it bears to one in an advanced period of pregnancy, I cannot satisfactorily account for the appearances on any other principle.

JOHN HAIGHTON.

St. Saviour's, Southwark, Sept. 20, 1808.

Opinion of C. M. Clarke, Esq.

" I have examined the *Uterus* which Mr. Hay has in his possession. It resembles in every respect a *Uterus* from which a child has been recently expelled. There is also to be observed an appearance in one of the Ovaries, which never is seen except in a state of impregnated, or lately impregnated *Uterus*. I have examined *Uteri* after the death of patients lately delivered, in whom, however, there was no hæmorrhage, which have been contracted in no greater degree than the *Uterus* which is in the possession of Mr. Hay.

C. M. CLARKE.

Member of the Royal College of Surgeons, and Lecturer on Midwifery, London, Sept. 22, 1808.

Opinion of Henry Cline, Esq. Surgeon to St. Thomas's Hospital.

" I have examined a *Uterus*, brought to me by Mr. Fairfax Hay, which has the usual appearances consequent on impregnation, and which I cannot conceive to originate from any other cause.

London, 24th Sept. 1808. HENRY CLINE.

Opinion of Astley Cooper, Esq. Surgeon to Guy's Hospital.

" I have examined a *Uterus* which was brought to me by Mr. Fairfax Hay; and although my opportunities of forming a judgment are very limited, when compared with those who practice midwifery; yet having been called upon to inspect the bodies of several women who have died soon after delivery, I am of opinion that the appearances I have found, are similar to those which this *Uterus* and *Ovarium* exhibit.

New-Bond-Street.
Sept. 23. 1808. ASTLEY COOPER."

Opinion of John Abernethy, Esq. Surgeon to St. Bartholomew's Hospital.

" I have examined a *Uterus* which was brought to me by Mr. Fairfax Hay, and in my opinion, the enlarged state and peculiar structure of it, can have arisen from no other cause than that of its having contained a child of nearly nine months old.

Bedford-Row,
24th Sept. 1808. J. ABERNETHY."

The following are the opinions, on this subject, of Medical Gentlemen residing in Liverpool, arranged in the order of their respective dates.

"We have examined the *Uterus* taken by Mr. Hay, Surgeon, from the body of the late Miss Burns, and are decidedly of opinion, that the great enlargement and peculiar structure of it have been produced by pregnancy, and that far advanced; and that they could not arise from any other cause."

Liverpool,
Oct. 3, 1808.

J. BRANDRETH, M. D.
JOHN LYON, M. D.
H. PARK.
RICHARD FORSHAW.
JOHN M'CARTNEY, M.D'

"After a deliberate inspection of the *Uterus*, shewn me by Mr. Hay, I conceive it impossible to account for its enlargement, the traces of a Placenta having lately adhered to it, together with the peculiar state of the *Os Uteri*, on any known cause, but its having contained a fœtus of mature, or nearly mature growth, very shortly before the death of the parent.

Oct. 4, 1808.
Liverpool.

ROBERT LEWIN, M. D."

The Testimony of William Perry, Member of the College of Surgeons, London; resident in Liverpool.

"I examined the Stomach and Uterus a few days after their removal from the body of the late Miss Burns. I perfectly concur in the opinions given in evidence by Drs. Gerard, Bostock, and Mr. Hay, relative to the first named viscus;—of the latter, in my opinion, there was perfect proof of its being recently delivered of a nearly full sized fœtus.

Liverpool, Oct. 5, 1808.

WILLIAM PERRY."

" I attended the examination of the body of the late Miss Margaret Burns, along with Drs. Rutter, Gerard, and Mr. Hay. I observed the general appearances of the stomach, and in particular, the apperture which existed in its great curvature. This by no means resembled the perforation described by Mr. Hunter, as the effects of the gastric juice, and which I myself have seen corresponding with his description.

" The *Uterus* possessed every character of one having been lately in a state of impregnation. The mark of the attachment of the *Placenta*, which together with other circumstances, bore so exact a similitude to what I had several times seen before in *Uteri* from which children had been recently expelled, leaves no doubt in my mind of this lady having been in a state of advanced pregnancy, but a very short time before her death.

Queen-Square, THOMAS CHRISTIAN."
Oct. 6, 1808.

" Being desired by Mr. Statham Jun. near the end of August, to examine the stomach and *Uterus*, I called at the house of Mr. Reay for that purpose.

" I was informed, soon after they were removed from the body, of the symptoms that the deceased Miss Marg. Burns had been afflicted with, during the space of two days; and therefore I concluded that some very active agent, which had been administred, was the cause of the morbid appearances in the stomach.

" I then inspected the *Uterus*, in which I could trace, five months and upwards after disssection, nearly the whole outline of that part of it, to which the *Placenta* had adhered: from which appearance, and also that of the whole part within it, and from the increased size of the *Uterus*, I had no doubt

of its having been impregnated; and that the fœtus must have been excluded or delivered in a very advanced state of pregnancy.

Liverpool, GEORGE COLTMAN, M. D."
6th, Oct. 1808.

"I examined the *Uterus* taken from the body of Miss Margaret Burns on the 27th of March last; and am decidedly of opinion, that it had contained a fœtus at nearly the full period of utero-gestation.

Oct. 6th, 1808. WM. LUCAS REAY."

"I have examined the *Uterus* taken from the body of the late Miss Burns, and am decidedly of opinion that it has contained a fœtus nearly full grown.

Oct. 6th, 1808. CHARLES WORTHINGTON."

"Dear Sir,

"From some conversation I had this day with Dr. Lewin, I beg leave to address to you my opinion relative to the *Uterus* with Mr. Hay, which I was induced to examine; and am confidently of opinion, it has every corroborative appearance of having been impregnated, and contained a child.

Marble-Street, J. SHAW, Surgeon."
Oct. 6th, 1808.

Dr. Bostock, Clayton-Square.

" I have this morning examined the *Uterus* of the late Miss Burns in the possession of Mr. Hay, and am decidedly of opinion that it has lately contained a fœtus.

C. SHUTTLEWORTH."

Oct. 7, 1808.

" I examined the *Uterus* of the late Miss Burns, and have not the smallest doubt, that a fœtus had recently been expelled from it.

L. I. JARDINE, M. D."

Houghton-street, Oct. 8, 1808.

" DEAR SIR,

" Agreeable to your request, I transmit you my opinion on the case of the late Miss Burns. I may premise that I have had many opportunities of examining the gravid *Uterus* in its progressive stages, and that I have formerly attended females as an Accoucheur. I saw the *Uterus* of the above unfortunate person, first soon after her death, and again since the trial of Mr. Angus. I have no hesitation in saying, that the great size of the vessels of that organ, its whole texture and capacity, together with the marks of the recent adhesion of a large *Placenta*, convince me, that Miss Burns was in an advanced state of pregnancy about the time of her death. The detection of a *Corpus luteum* in one of the *Ovaria* is also a proof of her having been, at some period, pregnant.

THOS. STEWART TRAILL, M. D."

Liverpool, Oct. 8, 1808.

DR. BOSTOCK.

Mr. Hay,

" Dear Sir,—I have carefully examined the Uterus in your possession, and although it is more than six months since it was removed from the body, the following appearances cannot, in my opinion, be satisfactorily accounted for, from any disease to which the internal surface of the *Uterus* is liable. The thickness of the parietes of this *Uterus*, (proportioned to its distended state,) and the increased size of the vessels running through its substance, could scarcely be required for a state of disease, for the nourishment or support of Hydatids. On its internal surface, for a certain extent around the Fundus, there are seen a number of oval spaces, or open orifices of vessels, many of them capable of receiving the extremity of a large sized bougie; several of these cells may be elevated together, by blowing air into any one of them, and their bases are then seen dipping, in an oblique direction, into the substance, and between the fibres of the Uterus: these appear to me to have been joined to corresponding cells or vessels of the *Placenta*, and they occupy so much of the surface of the *Uterus* as I imagine the *Placenta* might cover; this cellular appearance obtains no where else, for on the remaining surface, fasciculi of the muscular fibres are distinctly seen, and there are here no open orifices of vessels. That impregnation had, at some period taken place, is proved beyond a doubt, by the presence of a *Corpus luteum* in one of the Ovaria.

" Although to my mind these appearances furnish ample proof of this *Uterus* having contained a fœtus at or near the full growth, yet as I have lately had an opportunity of opening the body of a young woman who died from inflammation of the *Uterus* and other viscera, on the 5th day after the delivery of a child at or about the 6th month, it may not be superfluous to observe, that the mark of attachment of the *Placenta* though very obvious, was not more clear, satisfactory, and

decisive, than the mark in this *Uterus* in your possession, which it resembled in every respect—there is a difference in the thickness, the effect of inflammation, and the effusion of coagulable lymph into its substance; this circumstance, added to the premature expulsion of the child, will also account for the *Uterus* to which I allude,* being of a less size, than that taken from the body of Miss Burns, which is now in your possession. I am, respectfully, your's,

JAS. DAWSON.

Mount Pleasant, 13*th Oct.* 1808.

The testimony of Mr. Kendrick of Warrington.

" Dear Sir,

" I this day examined, at Mr. Hay's, the Uterus which was taken from the body of the late Miss Burns, and am decidedly of opinion, that the appearances can only be accounted for by supposing it to have contained, a short time previous to her death, a fœtus, either at its full growth, or nearly so. The appearances to which I allude are the size of the uterus, the thickness and vascularity of its parietes, the presence of a corpus luteum, its internal roughness, and the great dilatation of its mouth.

Warrington,
Oct. 14, 1808.

JAMES KENDRICK, F. L. S.
Member of the Royal College of Surgeons at London, &c.

To Dr. Rutter, Liverpool.

* The *Uterus* in this case was, five days after delivery, capable of containing nearly half a pint of fluid.

Attestation of Mr. H. B. Hensman.

Being favoured with an opportunity of seeing the *Uterus* of the late Miss Burns, I am of opinion, from a minute examination, that the appearances of it, as well as of the *Os Uteri*, must have arisen from the expulsion of a *Fœtus* in a state of maturity, (or nearly so) a short time previous to death.

H. B. HENSMAN.

Liverpool, Oct. 19, 1808.

Section II.

EXAMINATION

OF

DR. CARSON'S EVIDENCE.

HAVING in the last Section given a faithful account of the appearances and symptoms, and of the opinions which we founded upon them, by which our medical brethren will be fully enabled to form their own judgment on the case, we shall now examine the evidence which Dr. Carson gave upon the trial.

He begins by saying that he had seen the stomach and *Uterus*, in the presence of Mr. Hay, and that he had examined them as far as he could. The printed account of the trial states that he said, that he had examined *it* as far as he could: but as this answer comes almost immmediately after the question, whether he had seen both the stomach and *Uterus*, we suppose he meant that he had seen both. And we know that he did see both, and examined them. Then he gives his opinion that the hole in the stomach must have taken place after death; and assigns as a reason for that opinion, that he could not conceive that any acrid poison, taken into the stomach, could have produced a hole so large as this, without, at the same time,

producing other destructive appearances, through the whole surface of the stomach: for by the agitation excited by violent pain and vomiting, the poison must have been tossed from one part of the stomach to another. And again, he says, that if the hole had been occasioned by poison, it must have been occasioned when that poison was in the largest quantity, and in the most concentrated state in the stomach; therefore, as the poison was all washed out of the stomach, and none was found in it, nor in the intestines, the hole, if occasioned by any acrimonious substance, must have been produced some time before death; and in that case, the greater part of the fluid taken into the stomach must have passed into the cavity of the abdomen. And he concludes, with saying, that in this case, the symptoms do not appear, which usually accompany such a horrible poison as this must have been.* On the subject of symptoms, which he thinks are the usual attendants of poison, we shall bring into one view, nearly all that he has stated in evidence, and to prevent any future recurrence to the subject, we shall answer them all together. In the answer to the next question, he says, that from all he has read of mineral poisons, he is "led to believe that the most violent convulsions have always preceded death, accompanied with great anguish, and the most horrible pains, such as have been by no means described in this case." And again, in his cross-examination,† when, after saying that Miss Burns's symptoms were extremely mild, he qualifies the assertion by saying that

* Trial, p. 207. † Ibid. p. 214 & 215.

they were " mild in comparison with those horrible symptoms that accompany the action of an active poison taken into the stomach."

Now, with respect to the first sentence of this long quotation, containing his reasons for thinking that such a hole as this could not have been produced by an acrid poison, without other destructive appearances throughout the whole surface of the stomach, we can by no means agree with him. When arsenic is taken in large quantity and undissolved, as it is usually taken with a view to produce death, the effects do not seem to shew that it is tossed from one part of the stomach to another, by vomiting, or any kind of agitation. It acts upon the part upon which it rests with the violence of a caustic; and when the stomach is opened after death, it is found adhering to the villous coat of the stomach, with such tenacity that it cannot be washed off without some difficulty.

In the second member of the sentence he states, that the hole, if occasioned by poison, must have been made where the poison was in the most concentrated state, and therefore, as the poison was all washed out of the stomach and intestines, the hole must have been produced some time before death, and in that case the contents of the stomach must have escaped into the Abdominal cavity. To all this we reply, that the injury in the stomach of the deceased, which was far more extensive than the mere perforation, was precisely in that part of the stomach, where the poison was likely to be in its greatest state of concentration, viz. the lowest and most depending, whilst she was leaning forwards in the act of vomiting; exactly the part upon which the poisonous material, would most proba-

bly produce its first impression. And if we suppose what is also probable, that the opening through the injured coats, whether made before or after death, was at first but small, as it was found in that part of the stomach, which, when the body was laid after death in a supine position, would be the upper surface, it may be easily understood, why the whole contents of the stomach were not poured into the cavity of the abdomen.

We next come to his assertions respecting the symptoms—the horrible symptoms, as he calls them, which he says usually accompany the action of minerial poisons upon the human body. In one of his answers he does not confine the question to the action of mineral poisons, but speaks generally, of the symptoms which accompany the action of an *active poison.* We will not take advantage of this more general assertion, but come to the point with him upon the symptoms produced by mineral poisons. Now, what is the fact in this case? It is this; that sometimes, when a mineral poison, for instance, arsenic, has been taken into the stomach, by accident or design, after the first effects of the poison, the vomiting and purging, the coldness and cramps in the extremities, have somewhat abated, the patient will enjoy, for a short time, a truce from his sufferings, and yet he will in the end, sink suddenly away, without any of those horrible symptoms, those horrible convulsions, anguish, and pain, which this witness mentions as the usual attendants of mineral poisons. At the same time we admit, that in some instances, where the quantity of mineral poison taken, is very large, the symptoms are terrible: but we do not agree with him that they are always, or even usually so. Cases

exhibiting a train of symptoms, and terminating in the manner we have mentioned, have occurred in this town.*

In the present case, however, the symptoms were severe indeed. It is difficult by any expressions, precisely to designate the degree of intensity of human suffering: but we have it in evidence, that the sufferings of the deceased were severe; violent, and continued vomiting, and such pain, that she could scarcely bear to be touched or assisted, are surely severe symptoms.† And we must confess that it is not without considerable astonishment, that we find this witness swearing that such symptoms were extremely mild. Under no circumstances could such symptoms be considered extremely mild, or mild in any degree.

But to pursue the subject a little further; supposing that the object in view was not to produce

* The usual symptoms produced by arsenic are, a sense of heat in the fauces and stomach, almost always vomiting, anxiety, great weakness, cold sweats, coldness and cramps of the extremities, thirst, hickup; and if any of it passes into the bowels, gripes, diarrhæa, severe tenesmus, syncope. This witness says, (Trial, p. 207 and 208), that from all the histories he has read of mineral poisons, he is led to believe that the *most violent convulsions have always preceded death.* If the reader will turn to Morgagni's work, De causis et sedibus morborum, Lib. 4. Epist. 59. Art. 4, (which work this witness seems to have examined) he will find the case of a boy who was killed by arsenic, and who had no convulsions, "nullæ convulsiones inter cætera signa adnotantur."—And if the reader will take the trouble to peruse the remainder of that article, and the whole of three succeeding articles, he will see that convulsions are by no means, common attendants of mineral poisons.

† See p. 23 of this Pamphlet.

death, but abortion, and supposing that no more of the injurious ingredient, whatever it might have been, was given, than was sufficient to produce that effect, by exciting an uncommon commotion in the system, then we could not reasonably expect the occurrence of those horrible symptoms of which this witness speaks, even although in such a case the destruction of the mother's life should be the unexpected result.

We shall next, in order, consider his assertions respecting the proofs of poison.

He says* that "the three great constituents," as he calls them, "which form the proof of poison, viz. the existence of the poison in the stomach itself, which is the strongest: the appearances suitable to such poison upon dissection; and the symptoms which accompany the action of it, are not found:" that is, they are not found, he says, in the present instance.

With respect to the first of these "three great constituents," the existence of poison in the stomach, there can be no question, that the proof is complete, when the poison is actually found there. But we contend, and have proved, by decisive experiments,† that an animal may be killed by mineral poison, and that after death, not the slightest trace of such poison may be discovered in the contents of the stomach, by the most accurate analysis. Therefore, in cases when poison has, on good grounds, been suspected to have been administered, we are not always to infer that it has not been administered, because it could not be detected in the contents of the stomach after death.

* Trial, page 208. † See page 28 of this pamphlet.

With respect to the second of these "three great constituents," "the appearances suitable to such poison on dissection," we do not know what kind of appearances would be thought suitable to the action of any given poison. We know that some narcotic poisons will destroy life in a very short time, without injuring the stomach at all. In such a case, it would not surely be inferred that poison had not been given, because the stomach was uninjured. By experiments made upon animals, we have ascertained that life may be also destroyed by a mineral poison, without any considerable marks of inflammation in the stomach. In the present case, the injury in the stomach might be conceived to be suitable to the poison; if such an expression is admissible. But we do not know what he means by the word suitable. If he means by it, that every particular species of poison produces a peculiar and specific effect upon the stomach; and that if, in any given case, because that peculiar effect produced by the poison supposed to have been used, does not appear on examination, such poison, therefore, cannot have been used, we can understand his meaning, although we do not admit the fact. Or if he means that the appearances should bear some proportion to the activity or virulence of the poison used, we can also understand him.—But the expression is ambiguous. If, however, unequivocal marks of extensive destruction in a part of the stomach, be considered as appearances "suitable to the poison," we most assuredly had them in the present case. Yet he swears that they were not found.

We hope we shall not be thought to have dwelt too much on the meaning of a word: for it should be remembered that every word, we are now examining, has been delivered on oath: and we have been informed, that the manuscript copy of this witness's evidence was submitted to his correction before it was put to the press. One material alteration made in the proof, we shall have occasion to notice hereafter.

The "third great constituent" is, "the symptoms which accompany the action of poison previous to death;" and which he swears was not found. In this case, it must be observed, we have never yet had, and in all probability never shall have, a full and complete history of the symptoms. It is probable that the sufferings of Miss Burns were dreadfully severe. As it is, we have evidence enough before us on the trial, to shew that her stomach was terribly disordered. Without repeating what we have before stated with respect to the severity of her symptoms, we have no doubt, that they will be acknowledged by our medical readers to be such as "accompany the action of poison."

In the next place,* he swears that "a hole in the stomach after death is by no means an uncommon appearance." Now we believe that the direct contrary is the fact. Two Gentlemen of great eminence in this town, who have each been above 40 years in the profession, one of whom was, for a great number of years, Surgeon to the Infirmary, and the other yet remains in that situation, have never once in the course of their lives seen such a hole. If it had been "by no means uncommon,"

* Trial, page 208.

it is most strange, that with their numerous opportunities of dissection, they should never once have met with it.*

Then, in the next sentence, he says, "we are informed by Morgagni, Mr. John Hunter, and other eminent authorities, that there are various instances of a hole being found in the stomach, when no previous disease could have been supposed to exist, or any acrimonious poison taken into the stomach." No doubt Mr. Hunter has mentioned some instances of this kind in which there was no previous disease: and those who will take the trouble to refer to Morgagni, will find reason to believe, that the injury, in the cases he mentions, in which the effects were not produced

* Since this unfortunate affair happened, we have availed ourselves of such opportunities as have occurred, to examine the state of the stomach after death, with a view to observe what changes had taken place in it. A stout man died suddenly at the Lunatic Asylum; and 28 hours after death the body was opened. A general redness was observed in the villous coat of the stomach, which had probably been occasioned by the excessive use of ardent spirits, to which he had been addicted. A woman who had died at the Infirmary of *Cancer* of the *Uterus*, was opened 58 hours after her death; but not the slightest change was observable in the texture or firmness of any part of the stomach.

Whilst we were correcting the proof of this sheet, we were informed, that a very excellent anatomist, who has been employed for the long period of thirty years, almost entirely in anatomical pursuits, and whose opportunities of examining dead bodies have been uncommonly numerous, never saw a decided case of a hole in the stomach, produced spontaneously in the manner supposed by Mr. Hunter. The time will not admit of an application to him for leave to make use of his name: but we are assured of the fact on undoubted authority.

by poison, had its origin in organic affection. But the cases related by both Mr. Hunter and Morgagni, to which he refers, are not at all analogous to that of Miss Burns.

This witness then swears that in his "decisive opinion," the hole was produced after death. Now after delivering this very "decisive opinion," that the hole was produced after death, it may be asked, what are his proofs of it? He refers to Mr. Hunter's three cases, which he states at length; but in these cases, death was produced by violence; there was no previous disease. Therefore there is no analogy between them and that of Miss Burns. And any inference deducible from them is inapplicable to her case. But we do not know why he has quoted Mr. Hunter's cases at all, unless it were for the purpose of differing from him; and substituting for Mr. Hunter's ingenious explanation of the appearances, an explanation of his own, founded on a gross misconception, or misrepresentation of Sir John Pringle's opinions; as will appear hereafter.

The witness's next assertion, is, "It is fortunate that I copied Mr. Hunter's account, and it agrees word for word *with what we have heard in evidence*, as to the state of the parts about the hole." The expression, "with what we have heard in evidence" deserves particular attention. In the beginning of his examination, he swore that he had an opportunity of seeing and of examining the stomach and *Uterus* of this deceased lady. Being called as a witness, it was his business, it was his duty, to state, not whether what he had *heard in evidence* agreed with Mr. Hunter's account, but whether Mr. Hunter's account agreed with the

appearances in the stomach, which he himself saw and examined in the presence of Mr. Hay. He had sworn to speak the whole truth: and he was therefore bound to state his opinion of the appearances which he saw himself, and not merely to confine his attention to what he had heard in evidence.—But he was not correct in asserting that Mr. Hunter's description agreed word for word, as to the state of the parts about the hole. Mr. Hunter, it is true, says, that the edges of such openings appeared to be half dissolved; but by the word edges, he could not mean such an extent of space as was injured in the stomach of the deceased; which space extended above two inches around the opening in every direction. Mr. Hunter was too accurate in describing appearances, to be capable of such a mistake. Mr. Hunter's account corresponds with that of others who have seen this effect of the gastric juice in the human stomach; but in such cases, the injury has not been observed to extend much beyond the very edges of such openings, which edges were pulpy, tender, and ragged. But if the reader will take the trouble to turn back to page 26, of this pamphlet, he will find Mr. Hunter's diagnostic signs of the action of the gastric juice; of which signs, the most striking, the vessels ramifying on the surface of the part acted upon by the gastric juice, was totally wanting in the injured part of the stomach of the deceased. The fact is, in this instance, that this witness had transcribed and quoted as much only of Mr. Hunter's paper as suited his purpose, but omitted to quote all the rest which made against him.

But this witness, it seems, whilst he admits Mr. Hunter's three facts, which he quotes, to be

true, differs from him, without the least ceremony, with respect to the cause of the appearances. Indeed, after quoting the first case, that of a man who was killed by a blow on the head, after having eaten a plentiful supper of beer, bread, cheese, and animal food, he adds, "Now, in this case, the influence of the gastric juice is out of the question; Mr. John Hunter's inference is wrong, though the fact stands good." This, it must be confessed, is not a very decorous manner of setting aside an opinion delivered by one of the first surgeons in Europe.

When Mr. Hunter first observed the stomach thus perforated, he was for some time extremely at a loss to account for the fact. At last it struck him, that these changes in the coats of the stomach, and the holes through it, were produced by digestion; and that, when life was extinguished, the gastric juice remaining in the stomach, acted upon the stomach itself in the same manner, as it had acted upon the food in the stomach during life; that is, that the stomach was actually digested by its own fluids. His opinion was highly ingenious, and the cause which he assigned for the fact, was fully equal to produce it. But this witness, in a very summary manner, has rejected Mr. Hunter's explanation of these phænomena, and has substituted a very strange one in the place of it. He says, "from the experiments of Sir John Pringle, which were afterwards confirmed by Dr. M'Bride, we know, that water at the temperature of 90 degrees, especially if that portion of common salt, which we usually take with our food, be mixed with it, will *dissolve* animal substances in fourteen hours. Heat, moisture, and confined air, from

the experiments of these men, are the great promoters of the *solution* of animal substances."* And he further says, that, " in the ordinary cases of death, the vital principle is not destroyed, till the heat of the body is reduced to a low temperature, nearly to that of the surrounding air; but in cases of sudden death, the vital principle is destroyed, when the heat of the body is still at 96 degrees; as the human body is a slow conductor of heat in the stomach, there may have been such a degree of heat, combined with liquid and comfined air, as to dissolve the parts in contact with the fluid."

* This witness has made a most extraordinary mistake here with respect to the opinions of Sir John Pringle. Sir John Pringle (Observations on Diseases of the army. Ed. 7. Appendix p. xxx.) says, " with respect to medicine we know, that neither animal nor vegetable substances can become aliment without undergoing some degree of *putrefaction*." Then, in the next page, he adds, " The most general means of accelerating *putrefaction*, are by *heat, moisture, and stagnating air*." And in a note below, he says, that resolution is one great mark of *putrefaction*. His opinion was, that putrefaction was necessary to digestion; and that common salt taken in small quantities, such as we usually take with our food, " is subservient to digestion chiefly by its septic virtue, that is, by softening and resolving meats." In this case, this witness has totally misrepresented Sir John Pringle's meaning of a resolution of animal substances into their constituent principles by putrefaction, and has confounded it with Chemical solution; two things as different as possible. That this witness means Chemical solution in this case is plain, because he afterwards expressly says, " there may have been such a degree of heat combined with liquid and confined air, as to *dissolve* the parts in contact with the fluid." Whether this mistake was the result of carelessness or design, we do not pretend to determine; but it does excite our surprize that any man should have been so incautious as to assert such things on oath.

Upon the first part of this evidence, we observe, that heat, moisture, and confined air, are the great promoters of putrefaction, but not of solution in the sense in which it is now understood. But waving that consideration, we defy any man to shew, that an appearance in the stomach, similar to that supposed by Mr. Hunter to have been occasioned by the gastric juice, or similar to that observed in the stomach of Miss Burns, was ever produced in one single instance by heat, confined air, and moisture, even with the usual quantity of common salt. This explanation, moreover, takes for granted, a circumstance to be proved, viz. that the temperature of the body in the case before us, remained for fourteen hours, during the cold and dry weather of March, at 90 degrees. We know, that after death, the human body, in a very few hours, acquires the temperature of the surrounding air, especially if putrefaction has not commenced. Now putrefaction had not commenced in this case, fifty-one hours after death: and therefore it is entirely improbable that, at that season of the year, the body should have remained so long as fourteen hours at so high a temperature; but if it had, we should require other evidence besides his to convince us, that salt and water would dissolve the human stomach, even in that temperature.

With respect to the second part of his evidence, respecting the time in which, under different circumstances, the vital principle is destroyed after life is apparently suspended, we shall not enter into a discussion on this subject. It would lead us into too wide a field, and it has no proper connection with the business before us.

The concluding sentence scarcely admits of any answer. We are not contending about possibilities. What heat, moisture, and confined air may effect in any given case, is one thing: what they have done, is another; but we maintain, that neither in the present, nor in any similar, case, has it ever been proved that they have dissolved or corroded the stomach.

But granting, for the sake of argument, all that he requires; granting that his explanation of the appearances in the stomach of Miss Burns is rational and satisfactory, what does it all amount to? Does it explain the cause of Miss Burns's death? He attempts to explain away the appearances in the stomach. He admits that she did not die by flooding. Of what then did she die? Through the whole of his evidence the cause of her death remains unexplained.* We say that it appeared *probable* to us, that she died by poison. She was well early on Wednesday morning, and before Friday at noon she was a corpse. In the intermediate time, we have it in evidence that her stomach was dreadfully disordered. And after death, a part of her stomach was found destroyed. Of these cir-

* His Lordship, in his charge to the Jury, (Trial, p. 227) when commenting upon the evidence, and particularly upon that of one of the women, who, on behalf of the prisoner, said the deceased was apprehensive of a dropsy, remarks, that the species of dropsy might be that which Dr. Carson supposes her to have really died of. But in the printed account of the trial, it does not appear that Dr. Carson has attempted to explain the cause of her death either upon that or upon any other supposition. Hydatids of the Uterus are not a fatal complaint, nor have we ever heard of one instance in which death has been occasioned by them.

cumstances no explanation whatever was given before the Coroner; no satisfactory explanation was given at the trial. What is the inference deducible from them? What other inference than that which we have drawn? This witness's explanations afford no solution of these facts. Her illness and death must have had a cause. What cause? On this he is silent.

We shall now examine his evidence with respect to the *Uterus*.

Upon being asked, whether in his judgment, the appearance of the *Uterus*, which he had seen, was consistent with the expulsion of a fœtus shortly before death; he replied, that notwithstanding the confidence with which we all had agreed upon this subject, " there were certain circumstances which rendered it at least doubtful to him; as for instance, the great dilated state of the cavity of the *Uterus*; for it is well known, that the reason why women do not flood to death, at the time of the separation of the *Placenta*, is the contraction of the womb. In a very short time after delivery, the womb contracts so as almost to abolish its cavity. The womb indeed is larger after delivery, than in the unimpregnated state, but that arises from the thickness of the walls of the womb, not from the extent of the cavity; for in those cases in which the cavity is not contracted, there is always a great flooding; and it appears to me, that if this womb had parted with a *Placenta*, the mother must either have flooded to death, or the womb must have been gorged with coagulated blood."

Now, the argument contained in this quotation, when stripped of all extraneous matter, will stand thus.

1. In a very short time after delivery, the *Uterus* contracts so as almost to abolish its cavity.

2. When the *Uterus* does not contract, there is always a great flooding.

3. It is owing to the contraction of the womb, when the *Placenta* is separated, that women do not die by flooding.

4. But Miss Burns did not die by flooding; nor was the *Uterus* "gorged with coagulated blood."

Therefore she could not have parted with a *Placenta.*

This argument he strongly insists upon, and at page 213 of the Trial, he twice swears, that "if the woman had not died of a flooding, or if no coagulated blood, compressing and plugging up the vessels of the womb, was found on examination of the *Uterus*, it is *physically impossible*, that it could have parted with a *Placenta.*" Then at p. 216, he swears again, that if neither of the circumstances above-mentioned had taken place, "a *Placenta could not possibly* have been detached from this womb." The same opinion is again asserted at p. 219, in answer to a question put to him by Mr. Scarlet. It also appears in the questions put by the Prisoner's Counsel on the cross-examination of Mr. Hay. Vide Trial, p. 142.—These questions must no doubt have been suggested to the Counsel by this witness or his coadjutor Dr. Campbell.

Let us examine the argument above-mentioned.

In reply to the first proposition, we assert, that it is not true that the *Uterus*, "*in a very short time* after delivery contracts so as almost to abolish its cavity." This complete contraction seldom takes

place in less than eighteen days; and it is often more.

To the 2d proposition we reply, that it is true, that if the *Uterus* does not contract *immediately after delivery*, there is generally, but not always, a great flooding; but the flooding ceases some time before the *Uterus* "contracts so as almost to abolish its cavity."

The 3d proposition is certainly true; but the conclusion is inadmissible. It is inadmissible, because it takes for granted, what has not been proved, and what we positively deny, that the *Uterus* in this case, was at the time of death, at its maximum of dilatation. His argument is built entirely upon the assumed fact, that the *Uterus* had not been dilated more than it was at the time of death. But that fact being disproved in a former part of this Pamphlet, by the respectable testimonies produced,* which cannot be disputed, his whole argument falls to the ground. Being convinced as we are firmly, and as every other medical Gentleman who has seen the *Uterus*, as far as we have learned, this witness alone excepted, is convinced, that the deceased was delivered a very short time before her death, of a fœtus nearly full grown, it is evident to us, that her *Uterus* must have contracted itself very considerably in the time which had intervened between her delivery and her death. For a *Uterus* which was found dilated only so much as to be able to contain a quart of fluid, could not have contained a fœtus nearly full grown, together with the *Placenta*, the membranes, and *liquor*

* See Mr. Clarke's Testimony, page 34 of this pamphlet.

amnii. So much for this witness's physical impossibilities !

Having given the reasons above-mentioned for his opinion, that the deceased could not have parted with a *Placenta*, he was next asked, on the supposition that the *Uterus* could not recently have parted with a *Placenta*, what other cause he could assign for those appearances which we thought had indicated the recent expulsion of a child. In reply to this question he said, that, " the most probable cause,* independent of pregnancy, is a dropsy of the Hydatids, a common complaint, and of which Astruc gives many instances. These Hydatids are attached by *Pediculi* to the internal surface of the womb, and when, by an action being excited in the womb similar to parturition, these

*. The most probable cause of what ?—Of the appearances on the internal surface of the *Uterus*, which, we and many others are convinced, were produced by the attachment of a *Placenta.* By this attempt to explain the reason of them, he admits, very clearly, that such appearances existed. He saw them himself—Mr. Hay shewed them to him. Yet, notwithstanding he had seen them, and had thus admitted their existence, by attempting to account for them, by the attachment of the *Pediculi* of his Hydatids ; what was his reply to Serjeant Cockell, when he was asked whether, in examining the womb, he did not see the place to which the *Placenta* had been attached ?—It was this : " That which was *supposed* by these Gentlemen to be the place, *I suppose I did see.*" Yet, this place which he *supposed he did see,* was very distinctly seen by every other person who saw the *Uterus :* and it was very distinctly seen by those respectable gentlemen in London, to whom *the Uterus* was shewn by Mr. Hay, *six months* after it had been taken from the body, and during which time it had been preserved in spirits. Any man possessed of sight, who could not see it, or could express a doubt about it, must have been wilfully blind.

Hydatids are expelled, the mouth of the womb is dilated."

Then, in the next answer, in order to explain the reason why, in such a dilated state of the *Uterus*, there was little or no flooding after the expulsion of these Hydatids, he says, "Though it (the womb) should not contract very much, the vessels nourishing the Hydatids may be supposed so much smaller than those nourishing a fœtus, that in a state of undue contraction (we suppose he means dilatation) such a flooding may not take place upon the expulsion of the Hydatids."

And further, when, in his cross-examination,* he was closely pressed by the Counsel, for an answer to the question, whether the appearances in the *Uterus*, could have arisen from any thing but a *Placenta*, he replies, "I think they might. I think they *possibly might be* what I have mentioned, the attachment of some dropsical Hydatids."

We shall examine the first and the third of these answers together, and then the second, as it requires a separate consideration.

That Hydatids occur occasionally in the *Uterus*, is, no doubt, true; but they are by no means a common complaint. But when they do occur, they are strictly Hydatids of the *Uterus*, or Hydatids of the *Placenta*. Those which originate in the *Placenta*, are, by the acknowledgement of most respectable authors, the most frequent. Dr. Baillie never saw an example of Hydatids of the *Uterus*.† Dr. Denman says, "They (Hydatids) have been supposed to proceed from coagula of blood,

* Trial, p. 216.

† Baillie's Morbid Anatomy, 3d. ed. p. 376

or portions of the *Placenta*, remaining in the *Uterus;* and the opinion is generally true; but there is sometimes reason for thinking, that they are an original production of the *Uterus*, independent of such accidental circumstances, and sometimes the precursors of organic disease in that part."* They exist in the *Uterus* in two different states; either loose and detached, or connected together in strings, like bunches of currants.—The following is the late Dr. William Hunter's account of them. "I have seen a *Placenta* in the fourth month, all degenerating into Hydatids. There are two kinds of Hydatids; one where the little Hydatids are distinct, and detached; the other where they hang together in strings, like bunches of currants. This last sort is the most common in the *Uterus*. They are most common in the *Placenta*, but they may be in other parts of the *Uterus*; Sometimes there are vast heaps of them in the cavity of the *Uterus*, and no remains of the *Placenta*. I ventured from seeing Hydatids come away from the *Uterus* to say the woman was with child, because they most commonly attend the *Placenta*. I have seen pailfuls of Hydatids come away from the *Uterus* with pains; the *Placenta* and Fœtus being thus converted."† Dr. Denman thus describes them.—"Hydatids, or small vesicles hung together in clusters from one common stem, and containing a

* Dr. Denman's Introduction to Midwifery, ed. 5th. p. 84.

† Notes of Dr. Hunter's Lectures on the Gravid Uterus, in 1765, taken by a Gentleman who favoured us with the above extract from them.

watery fluid."‡ Dr. Baillie§ has the following description of them. "They consist of vesicles of a round or oval shape, with a *narrow stalk, by which they adhere to the outside of one another.* Some of these Hydatids are as large as a walnut, and others as small as a pin's head. *A large Hydatid has generally a number of small Hydatids adhering to it by narrow processes.*"

Supposing then that Hydatids had existed in the *Uterus* in question, it is most evident from the descriptions of these Gentlemen, that they must have adhered to its internal surface by a common peduncle or footstalk, in the same manner as a bunch of grapes adheres by a common footstalk to the branch which bears it; and not that the small Hydatids could have adhered to that surface by separate *pediculi*, as this witness calls them.

Now it exceeds all bounds of credibility to believe, that, in this case, Hydatids could have adhered to the *Uterus* by a common footstalk, whose base was equal to four inches and a half in diameter; which it must have been, to correspond with that mark in the internal surface of the *Uterus*, which we believe was occasioned by a *Placenta*. But if, in order to remove this difficulty, it should be contended, that there may have been many large Hydatids in this *Uterus*, with many distinct common footstalks; then we answer, that if there had been so many large Hydatids, that the bases of their common footstalks would have spread over a space of four inches and a half in diameter, the

‡ Denman's Introd. p. 84.

§ Baillie's Morb. Anatomy.

whole cavity of the *Abdomen* would scarcely have held such masses, much less the *Uterus*.

In answer to the reason he assigns, why there was little or no flooding in this case, after the supposed expulsion of Hydatids, we reply, that, in some cases of Uterine Hydatids, flooding has taken place to a considerable exent. Cases of this kind have occurred to different practitioners in Liverpool and elsewhere. But upon the discharge of the Hydatids, whether with or without much flooding, the cloaths must have been *drenched** with fluid. Why were such cloaths not produced? for they must have been *drenched*, if Hydatids had been expelled.†

* See Trial, p. 212.

† We have been favoured by a very respectable Surgeon, Mr. Kendrick, of Warrington, with the history of three instances of *Uterine Hydatids*, which are all that have occurred to him in fifteen years' practice. An acquaintance of his, who has, for a period of thirty years, been much engaged in the practice of midwifery, has only seen two cases of the disease. This corresponds with the observation of experienced practitioners in Liverpool. So far is it from being a common complaint. The disease occurred twice in one of Mr. Kendrick's patients: she was married, and from the age of thirty-three to forty-one, had not been pregnant once. At the latter period she was affected with the symptoms of pregnancy. At the end of three months she enlarged faster than usual, and between the fourth and fifth month, she wss seized with hæmorrhage. In ten days after that, pains came on, attended with increased discharge, and she voided about three pints of Hydatids. He examined them; and found that the medium of their attachment to the *Uterus*, was a small *Placenta*, about the size of a *half crown*. To this *Placenta* they were attached by small footstalks, not very unlike an immense bunch of grapes. In twelve months after that, the woman became pregnant, and bore a healthy child. In less than two years afterwards, she supposed herself again pregnant; and about the

But the account which this witness has given of the matter is so palpably absurd, that it is scarcely worth the trouble of refutation.

There is, however, one argument remaining, which has been suggested to us, and which, independently of all medical reasoning, is absolutely conclusive on the subject of Hydatids. If Hydatids had been discharged from the *Uterus*, why were they not produced? The production of them would at once have decided the point. If they had been discharged, either Mr. Angus who was with the deceased day and night, or the servants, must have known it. Is it conceivable, that he would not have produced them himself, or have called upon his servants to produce them, or at least to prove that they had been discharged, at the beginning, when from the very nature of the proceedings against him, he must have seen, that his character was in danger of being for ever ruined, and that his life was likely to be brought into imminent peril, if the suspicions which had attached to him, were not thoroughly removed?

end of the fourth month, she voided more than two pints of Hydatids, in every respect resembling the former: the medium of attachment being a *Placenta*, about the size of a *half crown*. The other patient was a woman æt. 28 years. About three months after she supposed herself pregnant, considerable hæmorrhage came on, attended with pain; and she voided a solid mass, containing a very small *Placenta*, some coagulated blood, and about two ounces of Hydatids.

The circumstance to be remarked in the first case, is, the smallness of the *Placenta*, by which the Hydatids were attached to the *Uterus;* and how completely insufficient the medium of their attachment to the *Uterus* is to explain the appearances observed in the *Uterus* of Miss Burns, which appearances extended over a space of at least four inches and a half in diameter.

The non-production of these Hydatids is to our minds an irrefragable proof, that in this case, they never existed.

There is another point relative to these Hydatids, which would admit of remark, viz. the improbability that the vessels of the *Uterus* should have been enlarged, so much as they were in the present case, for the mere nourishment of Hydatids; but enough has perhaps been said already to satisfy the minds of our readers on this subject.

We ought now to examine the testimony which he gave on his cross-examination. This, however, shall occupy a very little of our attention, as the most important points have already been considered and refuted. It is in this place proper to mention, that on his cross-examination, it appeared, *that he had not originally been brought up to the profession, that he had only practised about nine years, and that he had never delivered a woman in his life;* and yet, that under these circumstances he opposed his opinion to that of the medical witnesses for the Crown, one of whom had been 30 years in practice. Having stated in one of his answers, that Dr. Gerard had had considerable practice in Midwifery, he was next asked, whether he had seen a number of *Uteri*; to which, he made this most singular reply. "Yes, but in this case, it is entirely a physical question, arising from mechanical principles, with which extensive practice has little to do!" If this were really the fact, why did he, when he found the indignation of the public so excited against him for the evidence which he gave on the trial, propose to apply to the Colleges of London and Edinburgh for a confirmation of his opinion? If the question could be

set to rest upon mechanical principles, why this appeal to experienced men? This proposal of his shews plainly, that he was conscious, that extensive practice, or in other words experience, had something to do with the question. We have followed the example, which his conduct on this occasion has suggested, and have likewise appealed to experience; and that experience is all decidedly on our side.

One point of his evidence yet remains to be considered. When he was asked in his cross-examination, what opened the *Os Uteri*, he answered, "the expulsion of the Hydatids frequently resembling parturition." But when he was closely pressed by the Counsel to say, whether the enlargement of the *Os Uteri* could have happened from any other circumstance but the discharge of a fœtus; this was his answer: "*I really cannot say with certainty.*"* When this answer came to be contrasted with the direct and positive testimonies of the medical evidence for the Crown, one would naturally have expected, that it would have completely settled the value of his evidence on every point relative to the *Uterus*, and that it would have reduced that evidence to nothing.†

* Trial, page 218.

† There are some other circumstances in his evidence, which ought not to be omitted; but as they are unconnected with the subjects which we have been discussing, they may, perhaps, be added with more propriety in a note.

The first part relates to his preparations for this examination.

The Counsel, in cross-examining him, asks him, "Well, now, Sir, you have been reading for all this, have you not?" He answers, "I have certainly paid considerable attention to

Upon looking over the whole of his evidence in this case, it appears to us, that the witness is almost entirely lost in the advocate. We see him labouring hard throughout for one particular pur-

the subject." "Have you paid as much attention to it before that affair as since?" "I believe I have." "As much as since—for you have been reading a great deal since?" "Yes." Now, when he is re-examined by Mr. Scarlet, who asks him this question, "You have taken pains to gain information upon the subject, with a view to forming a correct opinion?" The answer is, "I have: when I first saw the womb, I entertained some doubt of there being a *Placenta* attached; and *that induced me to apply for more particular information.*"—This last reply is not produced here so much to point out the contradiction it contains to the answers he had before given, as to direct the attention of our readers to the confession, that he had been seeking for information on the subject since the death of Miss Burns. The importance of this acknowledgment will appear, when we investigate his conduct on the occasion, in the next section.

The next circumstance comprehends certain alterations which have been made in his evidence. These alterations are three in number:

The first is at page 217 of the Trial, and the fifth answer from the top of the page. He was asked "How long after the extraction of the stomach and womb was it that you saw it?" The answer in the *proof sheet*, which now lies before us, is this, "I suppose it might be a week or ten days, I cannot exactly say." In the printed Trial this time is altered to ten or twelve days. The alteration is, perhaps, of no material importance; but, as far as can now be remembered, he did not see either of them, until nearly a month after they were extracted.

The second alteration is in page 218, and the first answer. In the proof-sheet it stands thus, "The expulsion of the Hydatids frequently resembling parturition." But in the printed Trial it is altered—"*Perhaps* the expulsion of the Hydatids in an action resembling parturition."

The third alteration is the most important. It is at page 218, and the last answer in the page. The prisoner's counsel asked him this question, which, by the way, was not a very

pose. And what purpose? To serve the Prisoner; but not to promote, or to assist in, the investigation of truth. To this one object, all his strange and forced explanations, all his evasions are entirely subservient. He seems to have forgotten or overlooked the situation in which he stood as a witness. He seems also to have forgotten what he owed to his own character, and to that of his profession. For if he had thought seriously for one moment on the subject, and had disentangled his mind from the motives which impelled him to this conduct, he could not but have seen, that the attempt he was about to make, might possibly terminate in lasting injury to his own character. He could not but have seen, that almost the whole body of his own profession must condemn him, because they must at once perceive, that by such evidence as his, the credit of all professional testimony would be shaken in the public mind. If he had had the discretion to consult some judicious friend before he moved in this business, he might have been warned beforehand of the danger, and avoided it. But it is now too late. Whatever may be the consequences to himself, he has himself alone to blame for them. After having been repeatedly called upon to publish a statement of the whole subject, it was not in our power to be

delicate one. "Would you venture to state any opinion on a subject which was but mere matter of opinion, with the same confidence that Dr. Gerard does? The answer in the proof sheet stands thus, "No, I do not think I should." But in the printed trial it is altered in this manner, "I beg I may not be desired to answer that question."

On enquiring of the printer, by whom these alterations were made, he stated that they were made by Dr. Carson!

silent, without leaving the world to suppose, that we thought ourselves mistaken. Indeed, the subject was far too important to be passed over in silence. Amidst such an opposition of medical opinion, in a cause which had excited the greatest possible interest, the public appeared to be perplexed and anxious to know the truth. This perplexity and doubt, it was our duty to remove, by a fair and full exposition of our own opinions, by a reference to the opinions of some of the ablest and most experienced men in the metropolis, as well as in Liverpool: and by shewing, that the opinions which had been opposed to ours, were entirely erroneous.*

* After this pamphlet was put to press, a printed circular letter came into our possession, of which the following is a copy.

"*Sir,*

"*Upon my return to Liverpool, after having submitted to an examination, in obedience to the laws of my country, on a late trial, my mind was filled with sentiments of indignation and pain at the uncharitable and uncandid interpretation which had been attempted of my conduct. Feeling most acutely, the injustice of the obloquy with which malice had endeavoured to asperse my character, with a view to a defence, where in reality, none was required, I formed the resolution of giving to the public an enlarged statement of my evidence, and had even put it to the press. Upon more mature and cooler reflection, considering how unfit the subject was for the public eye; and above all, finding that my evidence would be given correctly in the trial now published, I have since deemed any further statement of it in the present circumstances unnecessary. My arguments with respect to the question of poisoning, which was by far the most important, rest upon a foundation that cannot be shaken. With respect to the pregnancy, it will be observed by those who carefully peruse my evidence, that my opinion of its having taken place or not, depended upon circumstances, which for any thing that I know, might or might not have happened, and which were to be*

ascertained by other evidence. The uncharitable, contemptible, and unjust imputation of bad faith, I can safely leave to be overcome by my general character.

I am Sir

Your most obedient servant,

JAS. CARSON."

41 *Seel-street, 27th Sep.* 1808.

This intemperate letter, requires a more copious comment than the limits of this publication will admit. We shall, however, make a few observations upon it. We do not know to whom copies of this letter have been addressed, nor to what extent it has been circulated. But we think that its author has acted most injudicious, in ascribing the general disapprobation, which his conduct, on this occasion has excited, to malice. He may be assured, that this disapprobation, which prevails, in a much greater degree, and to a far greater extent, than, perhaps, he is aware of, has a very different origin. If he will reflect a little upon his own proceedings, and upon the object to which alone they have been directed, he will be at no loss to discover the real grounds of the obloquy he has incurred. But if he chooses to shut his eyes upon the subject, and to conceal from himself the true cause of that obloquy, the public have not, and will not, shut theirs.

But we pass on to those parts of the letter which more immediately relate to the subjects which have been already discussed. His assertion, with respect to his arguments on the question of poisoning, displays a most extraordinary degree of confidence in his own opinions. We leave it to our readers to determine for themselves, whether the foundation, upon which these boasted arguments rest, have not been shaken. To us they appear to have no foundation, that would stand the shock of discussion. But the expression that the question of poisoning was "by far the most important," deserves attention. The impression intended to be conveyed by this letter, is evidently that the affair of pregnancy was entirely of secondary importance in his view. Now we are of opinion, that it was not originally so. In his conversation with Mr. M'Culloch, before he went to Lancaster, (which conversation will be stated hereafter) the pregnancy was the uppermost in his thoughts. That was the circumstance which he intended to explain away. And to those who will peruse his evidence attentively, it will be manifest, that on the subject of poison, there is none of that bold, confident, and positive asseveration, which appears repeatedly on the subject of the

pregnancy. How happens it that his tone, on the subject of pregnancy, is so changed, as it seems to be in this letter? Perhaps we may be able to assign the true reason of it. Mr. Hay went to London with the Uterus, on the 15th of Sept. On the 23d, an account was received from him, that the opinions of the gentlemen in London, to whom he had shewn the *Uterus* coincided with our own. This was very soon known amongst the faculty in Liverpool. On the 26th, other letters were received from him, containing a further account of his progress; and one of them contained copies of several of the attestations. On the following day, the 27th, Dr. Carson's letter is dated. It is not a very violent presumption to suppose, that a knowledge of these opinions had changed his tone on the subject of pregnancy; had induced him to shift his ground, and to rest with more confidence upon his arguments on the question of poisoning.

In the letter he says, that his opinion upon the question, whether pregnancy had taken place or not, depended upon circumstances, *which for any thing he knew, might or might not have happened*, and which were to be ascertained by other evidence. In his testimony, he swore repeatedly, that if the woman had not died of flooding, or if the *Uterus* had not been filled with coagulated blood compressing and plugging up its vessels, it was *physically impossible* that the *Uterus*, could have parted with a *Placenta*. The flooding, or coagula, above mentioned, were the circumstances, to which he here alludes. Now, he himself admitted on the trial, that Miss Burns did not die by flooding; and it was ascertained by positive testimony, on the trial, that no coagula were found in the *Uterus*. Neither of these circumstances having happened, it was, according to his evidence, *physically impossible* she could have parted with a placenta: yet now he says, that his opinion on the question of delivery depended upon circumstances, which, for ought he knew, might or might not have happened. By this doubtful manner of expression, he gives up the point; but it must be recollected that a principal part of the charge against the prisoner, was that he had used means to procure abortion.

Section III.

GENERAL OBSERVATIONS.

THE circumstances and result of this memorable trial, and the very extraordinary and unprofessional conduct of Dr. Carson, on the occasion, naturally lead to some observations on the nature of medical intercourse, and of medical testimony.

We apprehend that there are various cases, in which a medical man is not justified, in pursuing, what he may conceive to be his own advantages, or in attempting to raise his own importance and reputation, by means which may have a direct tendency, to injure any of his brethren, or, what is not of less importance, to affect the general character of his profession. In the medical profession, the reputation of the individual, for skill, judgement, knowledge, prudence, and integrity, is often all upon which he depends, or can depend, for his share of public encouragement, and confidence. These qualities, which constitute the basis upon which rest his hopes of success, being of a delicate nature, he might often be exposed to most serious, and sometimes irretrievable injury, if he was not, in some degree, sheltered and defended by those tacit obligations, by which the members of

that profession, in their intercourse with each other, consider themselves bound, in the variety of circumstances in which they are unavoidably placed. Hence, although they have no written code of rules, by which they agree to regulate their conduct to each other, under different circumstances, yet, in general, the conduct which each ought to adopt in almost any given situation, is so well understood, that, perhaps the number of deviations from strict propriety, is much less than might be expected amongst so large a body of men, whose views and interests are necessarily insulated from each other. But when any gross deviation from decorum or propriety occurs, it is soon known and felt; and not only the immediate sufferer, but all his brethren, within the circle of his acquaintance, are put upon their guard, and prepared by the free expression of their sentiments, and by suitable resolutions and agreements, to prevent, or to avoid the effects of, a repetition of similar conduct from the same quarter.

These remarks may serve to shew in a general way, the nature of that intercourse which takes place among medical men, and the necessity which exists of their observing the greatest delicacy and propriety of conduct, towards each other. In applying these remarks to the present instance, it will be seen, to what extent Dr. Carson has departed from that open, liberal, and proper line of conduct, which he ought to have pursued: and also, to what extent the whole body of the profession is injured by his proceedings.

In order to place the matter in a proper light, let us suppose that another instance of death had occurred under circumstances precisely similar to

that of Miss Burns; in which all the subsequent proceedings were similar; and that another medidical practitioner, in habits of frequent intercourse with one of those who had examined the body, had formed a different opinion, with respect to the cause of the appearances observed. Now, the question is, what ought to be his conduct on such an occasion? He may be considered as a calm and indifferent spectator, who may have had time to form his opinions, without having his mind disturbed by fears and apprehensions, of falling into error, of being deceived or misled by appearances, or of bringing the life of, perhaps, an innocent person into danger. Ought he not, before the day of trial, to go to his brethren, who have been concerned in the investigation, and to represent to them his doubts, with respect to the correctness of their conclusions, and thus to give them an opportunity to rectify their opinions before it be too late? Is not this the conduct which an upright and honorable man would pursue? Would not such a man take all possible pains to endeavour to convince his brethren, that they were under a mistake, and to persuade them to reconsider their opinions carefully, so as not to incur the dreadful responsibility of precipitating, by a hasty and unguarded judgement, a fellow-creature to destruction? One thing, at least, is certain, that such conduct could never, under any possible circumstances, be wrong, or be productive of bad consequences to any party.

Now, what was Dr. Carson's conduct on the late occasion? Did he act in this manner? Did he communicate his doubts to his brethren? Did he at any time give a hint, even the slightest hint, to

any one of us, that he entertained any doubts at all on the subject? During the whole of the five months, which elapsed from the death of Miss Burns, to the trial of Mr. Angus, not one of us even had a suspicion, that his opinions were different from ours. Even Mr. Hay, who was on terms of intimacy and friendship with him, and was occasionally at his house, never heard from him, the least intimation of the kind. Nay, when Mr. Hay met him on the walls of Lancaster Castle, two days only previous to the trial; *Dr. Carson told him, that he did not know why he had been summoned to Lancaster.** This silence and reserve with respect to his opinions, for so long a period, and this declaration, were enough to lull asleep the most vigilant suspicion, even if we had suspected that he had differed form us.

After the declaration which he had made to Mr. Hay, that he did not know why he had been summoned to Lancaster, great, indeed, was Mr. Hay's astonishment, when, on the day of trial, he saw him in Court seated by the side of Dr. Campbell,

* He also at Lancaster told Mr. Lindsay, surgeon of this town, that he did not know why he had been summoned there. Now, the fact is, that *two days before he left Liverpool*, he informed Mr. M'Culloch, Surgeon, that he had been subpœnaed to go to Lancaster. He also mentioned the object of his journey, *and the opinion he entertained, and intended to support*, from a conviction in his own mind, that the appearance of the *Uterus*, might be explained from different causes than that of pregnancy, which had been supposed. Mr. M'Culloch observed to him in reply, that in his mind, any man of experience must think that the *Uterus* in question, had recently expelled a child.

We think it necessary to add, that we relate these circumstances upon the authority, and with the permission, of both the gentlemen above mentioned.

of Kendal,† immediately behind the Prisoner's Counsel; and greater still, when he observed him and his coadjutor dictating questions to the Prisoner's Counsel, during the cross-examination of the medical witnesses for the Crown. Not that we conceive there was any thing improper in their conduct in assisting Counsel to investigate the truth; but their appearance in that particular situation, was a decisive proof of the part which they had taken; and it is also a strongly presumptive proof that Dr. Carson, notwithstanding his declaration to Mr. Hay, did know why he had been summoned to Lancaster. But there is no necessity to have recourse to presumptive proofs of this fact.

It appeared on his cross-examination at the trial, that he had been reading on the subject; and in the last answer which he gave, he stated, that "when he first saw the *Uterus*, he entertained some doubt of there having been a *Placenta* attached, and that induced him to apply for more particular information on the subject." We now know, that he had been, for many weeks before the trial, examining different authors on the subject, both of midwifery, and of poisons; and that he had been inquiring of different Practitioners for manuscript lectures on Midwifery. What was the object of all this inquiry on these two subjects in particular? He will say to gain more informa-

† We are surprised at the part which this gentleman took in the affair. He never saw the appearances; nor, as far as we have been able to learn, did he write to one of his medical acquaintances in Liverpool, to inquire into the nature of them. Such information he might have easily obtained.

tion respecting them. But what was the particular inducement for him to make this inquiry more than any other man? He was not present at the examination of the body; nor was his opinion asked on the part of the prosecution. The event fully explains all this preparation, and nothing else can explain it. That is, he knew that he would be called on the part of the prisoner, to oppose the medical witnesses for the crown; and he prepared himself for this purpose. And the opinions which he delivered in court, to the amazement, disgust, and indignation of the whole audience, about his solvent of salt and water, and about his Hydatids and their pediculi, shew much preparation. These opinions were not the productions of the moment; they were not sudden conjectures which had started into his mind upon hearing the medical evidence for the crown; but they had been framed with all the care which he could bestow upon them; and, with such materials, he vainly hoped to overthrow the direct and positive, and we may be permitted to add, the consistent, testimony to which they were opposed. Now when we add to all this, the secresy with which he conducted his inquiries, and the clandestine manner in which he proceeded, so that some of his most intimate friends, did not know, when he left this town for Lancaster, where he was gone, nor the object of his journey, can any man doubt that he knew why he had been summoned to Lancaster? We know very well, that not a witness was sent to Lancaster on behalf of the prosecution, the nature of whose testimony was not accurately known. Is it to be supposed, that those who had the management of Mr. Angus's defence, were not

equally well informed with respect to the nature of the testimony which their witnesses were to give? Lastly, we ask, is it at all probable, that Dr. Carson would have been summoned 50 miles from home, without its being known before-hand to Mr. Angus's Solicitor, what kind of evidence he was to give, and what opinions he was to promulgate? We leave our readers to draw their own conclusions on the subject.

But we feel ourselves fully at liberty to remark, that on this occasion, Dr. Carson's conduct appears to us, to have been highly unprofessional, in two important particulars; first in withholding his doubts and opinions from us, and conducting his proceedings in so clandestine a manner; and secondly, in his attempt to deceive Mr. Hay, and to impress Mr. Hay with the belief, that he did not know why he had been subpœnaed: whilst it appears from his conversation with Mr. M'Culloch, not only that he did know the reason why he had been subpœnaed, but that he told Mr. M'Culloch himself the object of his journey, and the particular opinions which he intended to support.—Such conduct as this can have no other effect, than that of destroying all confidence in the man who can have recourse to it; and we shall be very greatly mistaken, if Dr. Carson should not experience this consequence of his proceedings, in his future intercourse with a great majority of the faculty of Liverpool. But the unfavourable impression which his evidence has made, is not confined to the faculty, or to the inhabitants of Liverpool: it extends through the whole county, and beyond it.——

If, however, it should be asked, had not Dr. Carson the same right to form his own opinions on

this case, that you had? We answer, most unquestionably he had. We should never even dream of complaining of any man for differing with us in opinion, nor for any opinions which he may think proper to entertain, however singular or extravagant they may be. The right of private judgment, on every subject of human investigation, ought never to be questioned. But we assert, that if the species of conduct which we have described above, were adopted by the faculty in general, it would be altogether impossible for one medical man to meet another with safety, under any circumstances, however urgent or important.

Leaving his conduct on this occasion to the loud and general censure which it has received, we proceed to make a few observations on the nature of medical testimony.

In various cases of sudden death, suspected to have been occasioned by violence or poison, the appearances upon examination of the body may be so doubtful or obscure, that the medical witness, for the sake of his own character and reputation, would feel it necessary to give a very guarded and cautious opinion. But independently of any considerations about character, there are strong reasons, why he ought in no case, to lend his opinion to the irritated passions of the prosecutors or the prosecuted. He is, in fact, to be considered rather in the character of a judge, than of a witness, or of an advocate; for he is to form an opinion on subjects, of which both the Court and Jury are generally ignorant; and his opinion, whether favourable or unfavourable, must often have a decisive influence upon the fate of the prisoner. It is then of the utmost importance to the ends of public

justice, that the purity and integrity of medical testimony, should be preserved unsullied. When in a doubtful case, medical opinion is opposed, in a court of justice, to medical opinion, we can conceive it to be very probable, that these opposing testimonies may be given with the strictest regard to truth; both parties believing, from their different views of the subject, that their respective opinions are well founded. In such a case, where from the characters of the parties, from the manner in which they give their testimony, and from the clearness, the force, and the consistency of their reasons, for their respective differences of opinion, there can be no suspicion that either of them is actuated by any sinister motive, the Judge will naturally lean to the side of mercy, and incline the balance in favour of the prisoner. There is this peculiarity then in medical testimony, that the witness is bound to give, not only a true and faithful account of the appearances which he has observed, but an account, equally faithful, of his real opinions upon the causes of these appearances. And if he attempts to explain them upon grounds which he knows, are neither probable, nor satisfactory; or if he withholds any explanation which, he believes, would fully account for them; his conduct in either case, would *in foro conscientiæ*, be as culpable and criminal, as if he were wilfully to misrepresent the facts themselves, or were to swear to the existence of appearances which, he knew, did not exist. But in cases where opinions stand in direct opposition to each other, and where the parties are influenced by proper motives, and disposed to state what they believe to be true, the credit of medical testimony can sustain no injury.

For such is the obscurity which hangs over many morbid actions and appearances in the human body, that the best and most conscientious men may differ in opinion upon them, without any impeachment of their judgement, or any doubt of the rectitude of their motives. The object in view, in such lamentable occurrences, being that of ascertaining the truth; and taking it for granted, that medical men, in the part which they are called upon to act, can have, and most certainly they ought to have, no other object, it appears to us to be desirable, that those who are to be examined in court, on different sides of a question, of this nature, should have a previous interview. If the medical gentlemen, who may be placed in these circumstances, be men of real principle, and of liberal and candid minds, they must derive the greatest advantages from such an interview. Mistakes may then be explained and corrected. Conclusions and opinions formed, perhaps, in a moment of hurry and agitation, may be modified and altered. Or the opposing evidence, upon a full hearing of the real state of the facts from those, who have had the only opportunity of fully observing them, may perhaps think it right to change the opinions which they may have at first formed from inaccurate report, and withdraw an opposition, which might have no other probable effect, than that of frustrating the purposes of public justice, and exposing their own characters to obloquy and reproach. But if the circumstances should be of so doubtful a nature, that the opinions of the different medical gentlemen could not on such an interview, be reconciled, this advantage at least would result from it, that an extremely guarded opinion would be given on behalf of the prosecu-

tion, the character of all parties would be saved from injury, and more value and dependence would be placed on medical testimony.

If this be the proper mode of conduct which medical men ought to adopt towards each other, on such occasions as this, what can be thought of the conduct of a man, who, on the late occasion, instead of coming forwards in an open and candid manner to state his doubts and difficulties to those, who were seriously interested in ascertaining the real truth, withheld his sentiments from them, prepared himself secretly for an examination, and then boldly hazarded an opinion contrary to theirs, at a time when, and in a place where, they were not permitted to reply to him?

Where such an interview, as we have mentioned, is impracticable, and a medical Gentleman is subpœnaed to give his opinion, in Court, upon appearances described, and upon conclusions drawn from them, by other Gentlemen of the profession, on behalf of a prosecution, what ought to be his conduct? Is he to assume the part of an advocate for the Prisoner? We apprehend, by no means. He is called to speak, on oath, the truth, the whole truth, and nothing but the truth: that is, he is bound by his oath, not to give a forced, irrational, or unsatisfactory explanation of such appearances: not to assign causes for them, which, if he is acquainted with the subject as he ought to be, he must know cannot have existed: not to misrepresent things which are clear and plain; not to perplex and confound the Jury with doubts and difficulties, when he ought to know, that there are no real difficulties in the case; in a word, not to oppose for the sake of opposition, or from any

selfish or unworthy motives; but to speak his real settled sentiments, and to deliver the very best judgment which he is able to form upon the facts.

Some of the circumstances of this trial are of so extraordinary a nature, that we cannot refrain from calling the attention of our medical brethren to them in the most earnest manner. In the attempt which has been made by Dr. Carson to invalidate our testimony in this case, they must clearly perceive a dangerous precedent; dangerous, because if the example should be followed, it cannot fail to throw a doubt upon the purity and integrity of all medical evidence. Let the facts in such cases be investigated with the utmost care: let the conclusions drawn from them, be scrutinized and examined to the very bottom, and all fallacies, if there be any fallacies in them, be detected and exposed. Those who undertake the defensive side of the question, are bound to do this; and medical men may often render essential services, in trials of this nature, by assisting counsel in such investigations. And these investigations are necessary to prevent the lives of men from being thrown away, by hasty or incautious opinion. But let it not be said of a profession, which has always maintained an honourable name, that there shall be found hereafter in its ranks one man, who on an occasion similar to this, without previously communicating with his brethren, shall, from any motive, lend his assistance, to invalidate their testimony, and by throwing a doubt upon it, to frustrate the ends of public justice. This is the point of view in which the present case appears to us most serious. And with reference to the future, we feel ourselves justified in calling

upon our brethren to give to this important subject all the attention and consideration which it requires.

It was not originally our intention nor our wish to enter into these discussions, If, after the trial, Dr. Carson had suffered the matter quietly to subside, we should have been silent, although our sentiments upon it would have been the same. But after he had addressed to different persons, the note to which we have alluded in the introduction, in which note he had intimated his intention of appealing to the first medical institutions in the island, for a decision in his favour, we were informed from a variety of quarters, that it had become indispensibly necessary for us, to lay before the public, a statement of the whole affair, and of his conduct in it, and to refute the opinions which he had supported on the trial,. In doing this, we have not been actuated by malice or personal enmity to him ; and if he supposes the contrary, he is much mistaken. We have, none of us, any feelings of the kind. His conduct, on this occasion, has not injured us : but it has deeply injured himself. And although in common with many others, we strongly disapprove it : yet our feelings towards him go no further.

In conclusion, we think it necessary to declare, that, as we have not entered upon these subjects with a view to provoke a controversy upon them, we shall take no notice of any reply which may be made to this pamphlet, publickly or otherwise.

We have endeavoured, in this most melancholy affair, conscientiously to discharge the painful duties, which devolved upon us, without partiality or prepossession : and we now finally leave the subject to the decision of the public.

The following note from Mr. Lindsay to Mr. Hay, came too late for insertion in its proper place. At Mr. L.'s request we insert it here.

Dear Sir,

From a conversation which I yesterday had with Dr. Carson, I am induced to think that his answer to my question of what brought him there, applied only to the part of the town in which we met, (which was in a narrow back street) and not alluding to the trial. I could therefore wish that what I formerly stated may be cancelled; and am,

Your's truly,

P. LINDSAY.

This note has no date, but Mr. Hay received it on the 19th of October. It relates to Dr. Carson's declaration to Mr. Lindsay, that he did not know why he had been summoned to Lancaster: see the note to page 78. Whatever explanation Dr. C. may now give of this conversation with Mr. Lindsay, there can be no doubt that Mr. L. understood it in the way in which we have stated it: and with this impression upon his mind, he mentioned it both to Mr. Hay and to Dr. Brandreth.

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THE TRIAL OF CHARLES ANGUS, ESQ.

OF LIVERPOOL, MERCHANT,

At the Lancaster Assizes,

For the Wilful Murder of Miss Margaret Burns.

REMARKS

ON A

LATE PUBLICATION,

ENTITLED

" A VINDICATION OF THE OPINIONS

DELIVERED IN EVIDENCE

BY THE

MEDICAL WITNESSES FOR THE CROWN,

ON

A LATE TRIAL AT LANCASTER."

BY JAMES CARSON, M. D.

Sed cum experientiam in hâc re sæpe fallacem, et medicos plerosque imitatorum servum pecus, fuisse noverim, dubitare cogor.

CULLENI NOSOLOGIA.

LIVERPOOL:

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1808.

REMARKS

ON A LATE PUBLICATION,

&c.

UPON my return from Lancaster, after a late trial, I found that such misrepresentations had generally prevailed respecting the substance of my evidence, that I considered it incumbent upon me to publish an enlarged statement of it, and had proceeded so far as to put it to the press. Finding, however, that the trial would be published, which, for some time, was uncertain ; and knowing, from the abilities of the Short Hand Writer, that the whole would be correctly done, I abandoned the intention of making a separate publication, hoping, as I have found to be the case, that the perusal of my evidence would soon correct every unfavour-

able impression. My intention of suppressing the publication of the pamphlet was well known to the gentlemen who have lately given to the world a vindication of their evidence, before Mr. Hay went to London. It could not, therefore, be in consequence of any supposed intention of publishing on my part, nor any uncommon desire I had shewn to establish my opinions, that these gentlemen have been induced to publish a defence of their evidence. Indeed, though they do not fully declare that they knew that I had abandoned the intention of publishing, they acknowledge that they were not influenced by any such consideration, but that they conceived it necessary to take this step in the just vindication of their opinions, and for the purpose of calling the attention of the public to the nature of medical evidence. This is certainly a very uncommon kind of controversy. The opinions that a man delivers upon oath have generally been considered so sacred as not to come within the province of criticism. These gentlemen say that, on this occasion, I arraigned their opinions. I did not arraign any opinions. I declared (and, in the situation, could I do otherwise?) the honest convictions of my own mind, in obedience to the dictates of my own conscience, without reference to the opinions of any man. Was that a time for

courtesy? or could I be expected to violate the sacred obligations of an oath, out of deference to them? These gentlemen, however, have contemplated my conduct in a very different point of view. They have considered what, on my part, was an indispensible obligation, as hostile to them, and have taken more than ordinary pains to convince the world that my opinions were erroneous, and my motives unfair. In consequence of the great agitation which this affair has produced in Liverpool, I have applied my mind to the subject since my return, with increased intensity. I have reconsidered the opinions I supported, and have, by every succeeding reflection, been more and more convinced, that, in every material point, my evidence was exactly correct; nor has the recent publication of the opinions of my opponents, which they have endeavoured to support by a large collection of authorities, made any alteration in my sentiments.

In entering upon the perusal of the pamphlet, in which myself and my opinions have the honour to be so frequently mentioned, I was not a little struck and surprized at the difference which the case here exhibited, from what it was as described before the Hon. Sir Alan Chambre, at Lancaster. I was not present at the examination of the body,

nor did I attend the inquest of the Coroner. Whatever, therefore, is not contained in the published Trial, must be thrown completely out of the question. The gentlemen had an opportunity of correcting their evidence; the trial, therefore, may be supposed to convey a fair statement of the appearances and symptoms, and of their deductions from them. In an affair of this nature, a very slight variation in the statement of facts might produce a very material change in the deductions. It seems not a little surprising that gentlemen should be carried, by a zeal for their own defence, so far as to contradict, publicly, the solemn assevérations of an oath. For, if they concealed any thing that was important, are they not as culpable as if they had added what never existed? The whole history of the symptoms, and the singular important additions to the appearances on dissection, made for the first time at this distant period, are wholly to be put out of view. Whether the account they have delivered now, or the statement they delivered at Lancaster, be true, is nothing to me. My evidence could only apply to the latter, by which alone my inferences are to be examined.

The following is a concise account of the symptoms of Miss Burns's complaints, so far as they can be ascertained by the only witnesses, the cook

and housemaid; and, for the correctness of this account I refer to the trial, where they are detailed at greater length. These servants had only been a month in the house, had had no previous acquaintance with the deceased, and therefore were ignorant, in a great measure, of her general state of health. Miss Burns never appeared to them to be anyways indisposed until the morning of the twenty-third of March, when she appeared to be very ill, but did not complain. She took some breakfast. After breakfast had laid herself down upon the sofa—afterwards seemed to be in pain as she moved through the room, leaning upon the backs of the chairs. She complained of being thirsty, and directed some water gruel to be made for her, of which she drank, in the course of the day, according to the account of the house-maid, nigh three quarts; but the cook, who made the gruel, said it might be about a pint or a quart. She rejected the gruel from the stomach almost immediately—she vomited frequently during the day—What she vomited appeared to the housemaid to be, at first black, afterwards yellow or greenish. This account is reversed by the cook, who said that it appeared, at first yellow, and afterwards black. She lay quietly for the most part, without moving or complaining upon the sofa. The next morning, Thursday, she appeared

nearly in the same situation in which she had been the preceding evening. The sickness continued till towards evening, when it left her, and she could stir more about—She took only water-gruel this day, as she had done the day preceding. On Friday morning, the twenty-fifth, apperead to breathe with greater difficulty than before; but, in other respects, no difference was observed. She took gruel and some warm beer—She does not appear to have vomited what she took this morning. Miss B. expressed a wish for some Madeira wine; the house-maid was sent to fetch it; and on her return, found Miss Burns dead, *cowered* of a lump in the corner of the room, with her head erect, leaning against it. During her illness, both her understanding and her articulation do not seem to have been in the least injured, as she gave, 'till within a short time of her death, directions respecting the management of the family. Her complaints seem to have abated much from the evening preceding her death. That the irritability of her stomach had, in a great measure, been removed, is evident from the quantity of gruel and other liquids with which the stomach and intestines were filled. If there had been any considerable morbid irritation of this organ, such a great quantity of liquid would not have remained upon

it. She seems also to have been troubled with a diarrhœa.

The account which I have now given of the history of Miss B.'s complaints, is correctly as it was related before the Judge at Lancaster. The account which has been published by the gentlemen who have honoured my evidence with an examination, is very different from this, being descriptive of a much more violent disease. These gentlemen say that it is not easy to get a correct statement of the symptoms from persons not acquainted with medicine. But I think it may be presumed, that the awful impression made by her death, would induce the servants to consider the symptoms as more severe than they were in reality.

The body was opened on the Sunday following, about fifty hours after the death, by Mr. Hay, a Surgeon in Liverpool, in the presence of Dr. Gerard, Dr. Rutter, and Mr. Robinson, Mr. Hay's assistant.

Upon opening the cavity of the abdomen, some yellow coloured matter was found in the convolutions of the intestines. In drawing the stomach towards him, the surgeon discovered a hole, or præternatural opening in the anterior and inferior

portion of the stomach, about the extent of a crown piece, at the distance of about four inches from the Pylorus. The edges of this hole were pulpy, tender, and ragged, and the substance of the stomach all around, for the space of two inches, was in a destroyed state, allowing an easy passage to the fingers. The rest of the stomach was in a natural state, of a natural colour, and covered with the mucus which usually lines the internal surface of this organ. There was some slight peretonæal inflammation in different parts, but scarcely so much as to be called a disease. It was considerable upon the small, but scarcely observable on the large, intestines. The internal villous coat of the duodenum was slightly inflamed.—Upon cross-examination, Mr. Hay observed that he never examined a sounder subject in his life, excepting with respect to the hole in the stomach, and the circular margin of this hole.

The womb was found much larger than it is usually in the unimpregnated state. The Surgeon cut into it. The cavity was so large as to be capable of containing a whole quart of fluid. There was a circular ruff mark upon the fundus four inches and a half in diameter, which, he had no doubt, was the place from which a placenta had been recently detached. The vessels which he

supposed, served to nourish the child, were plainly discoverable. The *os uteri* was dilated. There was nothing in the womb, only a very small quantity of florid-coloured blood oozing out of some plainly discoverable vessels at the *fundus*. The other gentlemen agreed with Mr. Hay in this description of the appearances. They had not the least doubt, from the appearances which the womb exhibited, that it had recently parted with a child, and that this child had nearly reached its full period.

The fluid that was found in the intestines, which, from its resemblance to that of the stomach, they had no doubt had passed through the hole, was collected for chemical analysis. The fluid contained in the stomach, and that contained in the *duodenum*, were also collected, to be subjected to chemical examination.

These three different fluids were examined by Dr. Bostock, who has long been known to the world for the accuracy of his chemical knowledge. This chemist applied the most delicate tests, b' could not discover the existence of any mineral poison. Dr. Bostock, however, maintained, that, from experiments which had been made upon dogs since this unhappy affair took place, and which will be

more particularly noticed afterwards, an animal may be killed by corrosive sublimate mercury in solution, without any remains of this substance being discoverable in the contents of the stomach after death. No part of the substance of the stomach was subjected to chemical analysis. The examination of the intestinal canal was not pursued further than the *duodenum;* neither was the *œsophagus* examined.

Miss Burns had been observed by some persons who saw her occasionally, to grow larger for some time previous to her death. But her most intimate friend, and indeed the only friend she had, declared she was as large twelve months before her death as she had been a few weeks before it—that she was uncommonly flat bosomed, and that, in every other part excepting the abdomen, she was not half the person she used to be—that she had not been as young women in health are for fourteen months before her death—that, at Miss Burns's request, she had consulted her mother about her, who recommended some medicine which had been of use to her (Mrs. Jones)—That Miss Burns was very subject to shortness of breath, and was pale faced. The commencement of her bad health this witness dated several years back, from the time Miss Burns had fallen out of a boat into the

water. Mrs. Barton, Mrs. Jones's mother, confirmed this statement, so far as she had been concerned.

Dr. Gerard, Dr. Bostock, and Mr. Hay, having been interrogated respecting the cause of the hole in the stomach, mentained that, not knowing any natural cause, nor any disease to which they could ascribe this hole, they believed that it must have been occasioned by some deleterious drug taken into the stomach; that this drug, in their opinion, was corrosive sublimate mercury in solution, and that, as this hole was a sufficient cause of death, they believed that the deceased had come to her death by poison.

These are the opinions which were unanimously supported by the medical witnesses on the part of the Crown. It appears that they had not maintained them with the same firmness before the Coroner, and that they there admitted that a difference of opinion might have existed respecting the causes of the hole in the stomach. But any doubts with which their minds might have been originally affected, seem to have been completely removed before their arrival at Lancaster:—these, in all probability, were banished by the result of the experiments upon the two dogs—experiments

which we shall have an opportunity of examining afterwards, and which will, no doubt, confer a high celebrity upon the authors of them. These experiments seem also to have relieved their minds from all doubts upon another point, namely, the kind of poison by which the hole was produced, by making it plain that it must have been corrosive sublimate mercury in solution.

In my examination, I supported opinions in many respects different from those maintained by the authors of the "Vindication." I contended that the hole and the destroyed appearance for nearly two inches on every side, could not be accounted for on the supposition of a deleterious drug taken into the stomach, arguing that the substance which possessed such deleterious properties as to occasion so extensive a destruction as was here observed on one part of the stomach, must have acted with great violence upon the surface of the stomach, guilet and intestines generally. This would especially happen with respect to the stomach, in consequence of the anxious tossing of the body accompanying great pain in that organ, and of the action of vomiting. The poison that is there supposed could not, in particular, act with intensity on one part of the stomach only, on account of its being so easily soluble. But the rest

of the stomach had every where a natural appearance, was uninflamed, and covered with the natural mucus of the organ. The authors of the "Vindication" argue that I am not correct when I state that all mineral poisons may be agitated from one part of the stomach to another: that, for instance, arsenic fixes upon the place which it first reaches. This objection requires explanation. Arsenic is only partly soluble in water—the portion soluble will be moved from one part of the stomach to another, after the manner here described, but that which is insoluble will at length subside, and adhere to a particular place. But the dispersion of these small insoluble particles is so general, that in cases where any very considerable quantity of arsenic has been taken, such as would be required for producing the destruction which this stomach exhibited, the stomach, gullet and intestines have been found inflammed, corroded and gangrenous throughout. The alimentary canal, in these cases, often exhibits a riddled appearance.

If the destruction, discovered in this stomach, had been occasioned by some deleterious drug, this effect must have been produced when the poison existed in the greatest quantity and concentration in the stomach. At the time of death

it had been washed away, so that not the least quantity of it remained, therefore this aperture would have existed sometime before death; and the liquids that had been taken into the stomach immediately before death, would have passed through this hole into the general cavity of the belly. But only a very small quantity was found in the convolutions of the intestines, while the stomach itself was full. The authors of the "Vindication" have endeavoured to explain away this objection, by supposing that the hole might not have actually taken place till after death, although the injury to the substance had. But if any part of the stomach had been, some time before death, in so tender a state as easily to admit a passage to the fingers, the action of vomiting, which, when violent, as is described by them to have been the case, in this instance, sometimes ruptures a sound stomach, must easily have ruptured the tender portion of this.

Upon the supposition that this hole had been occasioned by some mineral poison, this poison must have acted in one of two ways. It must have destroyed the texture of the stomach; by combining with its substance, and acting upon it as upon dead matter of the same kind; or

by exciting inflammation and gangrene. Upon the supposition that the injury was effected according to the first of these ways, by chemical combination, then the quantity of poison required to destroy the texture of a part upwards of six inches in diameter, must have been enormous. The poison, in this case, would have produced almost instantaneous death, and have been found in combination with the destroyed part of the stomach. Why was not the tender part of the stomach submitted to chemical examination, which must, in my opinion, have been decisive of the question whether the destruction had been occasioned by some corrosive drug, in the way supposed, or not?

The destruction could not have been occasioned by the poisonous drug exciting inflammation and gangrene; as in that case, the gangrenous part must either have been separated from the sound, which would have been easily discovered, or a part must have been in a state of high inflammation. But this was not the case. The gentlemen, indeed, admit, that the aperture could not have been occasioned by gangrene. Had this happened, it would not even have inferred the administration of poison, as the stomach is subject to inflammation and gangrene from other causes.

Had the aperture been occasioned by any acrid substance acting before death, blood vessels would necessarily have been corroded, and would have discharged blood, which would have been ejected by vomiting and stools. Vomiting and purging of blood are too remarkable to have been overlooked, had they occurred.

The symptoms of the disease, by which this lady was affected, were not those which we know, from the experience of mankind, are produced by the operation of an active poison, especially when administered in such quantity as to destroy any part of the substance of the stomach. Mahon, the elegant and intelligent author of the Medicine Legale, says, that corrosive sublimate, taken in such quantity as to produce death, kills, in a short time, after the most frightful convulsions, and enormous bloody and bilious vomitings and purgings.* The derangement of the system arising from the administration of arsenic, is nearly

* Le Sublimé, avalé a la dose de plus d'un ou deux grains, est un poison terrible qui tue promptement, apres d'affreuses convulsions, des vomissemens énormes, des dejectiones dyssenteriques et sanguines; enfin a peu pres avec les memes symptomes qui quand on apris l'arsenic. A l'ouverture des cadavres, on trouve *egalement* l'æsophage, l'estomac et les Intestins inflammés et gangrenés.

Medicine Legale, de Mahon, p. 557.

the same with that excited by the use of corrosive sublimate. Excrutiating pains in the stomach, and bowels, inextinguishable thirst; reaching; and the instant rejection of whatever is swallowed; anxiety and intolerable anguish, expressed by moans and lamentations, which no sentiment of precaution could suppress; by restless agitation, and tossing of the body and limbs; hiccup; faintings; convulsions; failure of the voice; inarticulate speech; difficulty in swallowing; and aberration of mind, are among the symptoms which united, or in greater part, accompany the operation of an active mineral poison, given in a powerful dose.

Miss Burns, however, does not appear to have suffered any severe degree of pain. She was generally found by the servants lying upon the sofa quietly, and without complaining. She only once complained of pain, to any of them, during her illness. From the Thursday afternoon, the irritation of the stomach appears to have been completely removed. From that period she had no vomiting, reachings, nor pain in the bowels. That the strength of the stomach had been in a great degree recovered is proved beyond all doubt, by the quantity of gruel and warm beer which was found in it and in the intestines after death. Such a quantity of nutritive substance could not have

been kept by a stomach labouring under the effects of great irritation. The general strength, also, was recruited along with that of the stomach. She could stir more about. So far from being delirious, she appears to have had the most perfect recollection; she continued to give directions respecting the management of the house until the period of her death. Her speech and articulation do not appear to have been changed. The only symptoms which she had in common with those affecting persons destroyed by mineral poisons, were thirst, a vomiting of bilious matter and purging. These are the attendants, it is well known, of many diseases, and only indicate some irritation of the stomach and bowels, which may be excited by a thousand causes, acting either directly upon them, or by association in consequence of that sympathy that subsists between these viscera and every part of the frame. All the symptoms which attend the administration of poison, occur separately in many complaints. The symptoms above stated only constitute an argument in favour of poisoning, when they are found altogether or in greater part combined. The absence of them nearly all from this case, proves that Miss Burns could not have died from the administration of corrosive sublimate, nor of any deleterious drug.

A great deal has been inferred in support of the supposition that poison had been administered from the blackness of the matter vomited. In the first place there is a contradiction in the evidence on this head. The housemaid said that the matter vomited was first black and afterwards yellow or greenish :—the cook, on the other hand, describes it to have been at first greenish, mixed with yellow ; and afterwards becoming black. The dark colour might depend upon many things :—the gruel and beer which she drank might have given the matter rejected that appearance. It might have proceeded from the gall-bladder, liver, or pancreas; but it does not appear that the authors of the "Vindication" searched for the cause of this appearance, where it was most likely to have been found, in these *viscera*.

The general appearances of the carcass did not characterize a death by poison. The bodies of persons killed by poison run more rapidly into putrefaction than those destroyed, perhaps, by any other cause. In a very short time the skin of every part swells, and the features become disgustingly deformed. The stench of the body is intolerable. The flesh becomes soft, and is easily separated from the bones. None of these characters marked the carcass of Miss Burns.

There were no putrid appearances, nor any putrid smell.

Besides, corrosive sublimate mercury in solution is so nauseous a poison that no human being could be induced to take it in such quantity as to occasion death. The taste is a certain natural indication of its deadly qualities. No man that ever tasted corrosive sublimate mercury, even in a very weak solution, but must be convinced that it was a most dreadful poison.

If any mineral poison had been administered, it would, in all probability, have been detected by the analysis of those substances most likely to have contained it.

I therefore contended that, of the three great constituents of which the proof of poison consists, namely, the existence of poison in the alimentary canal, which is the strongest; the symptoms suitable to the administration of that poison; and the appearances which are exhibited by the body after death; not one was found to have existed in this case. The detection of poison in the body is the strongest, but by no means singly conclusive of a death being occasioned by poison. Poisonous matter may be taken to a certain extent without

occasioning death; and, in the mean time, death may have been produced by some other cause. In this case, though a small quantity of poison had been detected, nothing certain could have been inferred from that, because the water of which the gruel was made, not having been distilled, might have held in solution a small quantity of some poisonous material. The stomach, too, appears to have been washed out with common water, whereas they ought to have employed distilled water. If poison is not found, then the other two constituents of the proof should be complete indeed, before even the suspicion of poisoning should be excited in the mind of a physician. The authors of the "Vindication" say that the account of the symptoms is uncertain, not being given by a medical man. The gentlemen were therefore reduced to one class of the three constituents of the proof, namely, the appearances upon dissection; and how well they availed themselves of this class will afterwards appear. The appearances should have been well marked indeed, before any inference in support of so horrid a crime, could have been deduced from them.—But the appearances which bodies killed by poison usually exhibit, were nearly all absent. None of the three classes of things which constitute the proof of a death by poisoning, existed in

this case; and I repeat again what I advanced upon oath, that no cautious physician will ever affirm it to be his opinion that a death *must* have been occasioned by mineral poison, unless these three classes are found in combination.

But it will be contended that all my reasoning, however plausible, is merely hypothetical; or, as these gentlemen are pleased to call it, futile and fallacious; and must yield to the superior force of experiment. That an animal, they contend, may be killed by corrosive sublimate mercury in solution without the poison being discoverable in the contents of the stomach after death may certainly be inferred from experiments that were made upon two dogs. A grain and three quarters of corrosive sublimate mercury was dissolved in forty drops of water, and poured into the mouth of a little dog, who, after discharging a good deal of froth, vomiting milk which he had taken, and frequent discharges of black coloured excrement, died in the space, I think, of half a day. Two grains, in a solution, I suppose, of the same strength, were given to another dog:—(some of the solution, in this case, was spilled in giving it) it did not kill the dog: Next day the dose was repeated, and it killed the animal in the evening. The same symptoms attended in this

case as in the former, only this dog discharged some bloody froth. He took nothing all the day preceding his death. The stomachs of these two animals were examined, they were not found corroded, but red and inflamed, and corrugated. The contents of the stomachs were subjected to chemical analysis, but no corrosive sublimate was found.

Now I contend that there is a notorious deception in these two experiments. I maintain it to have been not only improbable but almost impossible that any of this corrosive sublimate could have reached the stomach of either of the dogs. Forty drops of liquid will scarcely moisten the palm of the hand. When the corrosive nature of such a strong solution of sublimate making a violent caustic is considered, any thinking man will be satisfied that it must have combined with the fleshy parts of the throat almost before it reached the top of the gullet. Besides the difficulty of introducing any thing of a nauseous corrosive nature into the stomach of a dog is well known, as the gullet and diaphragm of these animals by irritation of the throat are easily excited into spasmodic action. A man might as well search the Ocean for the stone he had thrown into the Mersey yesterday, as have searched the stomachs of these dogs

for any of the solution of corrosive sublimate which had been poured into their mouths. How, then, are the symptoms of vomiting, purging and black stools to be accounted for? By a violent affection of one part of the alimentary canal the whole of it is excited. Hence by the affection of the top of the gullet, vomiting and purging would naturally ensue. Black is frequently the natural colour of the excrement of these animals. Inflammation would, without doubt, be excited to a certain extent along the whole course of the alimentary canal.

Admitting even the possibility that any portion of this solution could have been received into the stomach of the dog, there are circumstances from which it may be inferred that none of it ever reached it. Unquenchable thirst is an uniform concomitant to the administration of mineral poisons to human creatures, and I believe also to all animals. But these dogs so far from being thirsty, even refused to drink. The catching of the jaw, and the bloody froth demonstrate to a certainty the violent affection of the parts about the throat. If these accurate experimentalists had examined the gullet and throat, they would have discovered by its effects the place the destructive corrosive sublimate had occu-

pied, and ascertained the reason why none of it was found in the contents of the stomach, nor any erosion made upon its coats.

These experiments, to repeat again their own language, futile and fallacious experiments, constitute the foundation upon which all their reasoning respecting poison is founded, experiments which contradict the knowledge of mankind upon this subject; experiments made too on the animal creation which differ so widely in their habits and constitution from the human. Failing to discover among the numerous histories of poisoning which unfortunately disgrace the records of our species, a case which bore any resemblance to the one in question, they seem to have been determined to make one. They ransacked the vegetable and mineral kingdoms for poisons of every quality and power, and subjected a number of helpless animals to the severest tortures which it is possible for animated nature to sustain; at length, after many disappointments, their drooping hopes were revived, and their wavering purposes confirmed by the two experiments above recorded, experiments which will no doubt confer a lasting fame upon the authors of the "Vindication." It is worthy of notice, that corrosive sublimate in solution is the poison that is fixed upon. Why in

solution? Because in any other form in which it had been administered, it had been found in the contents of the stomach, and had corroded and blistered its coats. Yet it was upon the faith of these two experiments, that the medical evidences for the crown came forward, and swore to the cause of the death of one person, involving in the result the life of another.

Poisoning is the basest, most cowardly and most cruel, of all kinds of murder; and evinces an extreme depravity in the heart that can be guilty of it. The grounds, therefore, upon which such an enormous crime, so revolting to human nature, are to be founded, ought to be of known stability, and not the deceptive quicksand surface of a day's formation, over which light and feathery beings may pass with safety, but which will be avoided by the manly step of the cautious and the wise.

What then was the cause of the hole in this person's stomach, if it was not produced by poison? Though we were not able to account for the appearance, and though there had never existed an example of such an appearance, it would be in the highest degree unphilosophical to ascribe it, in this case, to any particular cause, as poison. Because, say these gentlemen, we cannot account

for this appearance from any known causes, among which they must include poison; they nevertheless ascribe it to a cause from which they could not account for it. This is certianly a beautiful specimen of the logic of these gentlemen; but others, equally excellent, will be found in the sequel.

But there are many instances of holes, similar in character to this, having been found in the stomachs of persons after death, who could not have been suspected of having taken poison. Bonnetus, Lieutaud, Morgagni, Mr. John Hunter, and indeed, all those persons who have been much conversant in morbid dissection, afford abundant instances of this kind. These appearances of destruction have not only been found in the stomach, but in various other parts of the body; the large veins have often been found perforated, likewise the intestines; and various organs, as the spleen, pancreas and diaphragm, have been found in part consumed. In consequence of the frequency of such occurrences, which could not be ascribed to any disease, and of their having some resemblance to the effects of poison, there arose a division of poisons into external and internal. By the external were meant such as were taken in by the mouth; by the internal, those which had been engendered by the body itself. The secre-

tions of different organs which, in the usual state, are subservient to the purposes of health, were supposed to become, in certain cachectic and and putrid states of the body, so changed as to be endowed with qualities of a very deleterious nature. The secretions of the liver, pancreas, stomach, intestines, and kidneys, have been known to possess such acrimony, as not only to destroy animal substances, but even metals. Hence the appellation of bilis æruginosa, or bile that could destroy brass. On this account the celebrated Morgagni, who was much conversant in the examination of bodies supposed to have come to their death by violent means, has advised physicians, in cases where previous disease had existed, to be cautious, lest they should ascribe such appearances to an external cause, as they might, in all probability, arise from the internal poison of the body.*

* Les matieres bilieuses produisent souvent des ravages terribles en peu de tems. Les trousse galant *(cholera morbus)* Les dysenteries, les differentes especes de cachexies, et *certaines morts subites,* pourroient souvent donner lieu a des procedures criminelles qui par le consours de quelques circonstances singulieres diviendroient funestes á des innocens.

Mahon. p. 288 *vol.* 2.

Consult Hoffman de Veneno Corporis humani.

Lieutaud is very full upon this subject, and has given many histories of dissections in which holes in the stomach were found. In some of these histories the cause of the hole was, without doubt, some disease of long duration. But an attentive consideration of them will convince any man that, in general, the holes he describes could not be accounted for from any disease, nor could poison have been suspected. In many of his cases the disease had only been of a few hours standing: nevertheless the stomach was found much destroyed, the spleen and pancreas often nearly consumed, and other extensive marks of destruction, which no disease could have produced in so short a period. As it is in general only the bodies of persons who have died under singular circumstances that are opened and particularly examined, and as there always existed some disease by which the death was occasioned, these holes were either considered as the effect of disease, and the cause of the death, of which, in reality, they were only the consequence. In some of the instances given by Lieutaud, the stomach was perforated in different places. It is not probable that any disease could have produced these perforations at the same time. He generally describes these perforations by saying that the stomach was putrid and perforated; at one time he says that the hole

was, without doubt, the effect of the *bilis æruginosa*, a species of the internal poison,

The late celebrated Mr. John Hunter, having observed holes of a description similar to this which was found in the stomach of Miss Burns, in the stomachs of persons who were in perfect health immediately before death, and who could not have been suspected to have taken any deleterious drug into the stomach, supposed, as the stomach had the appearance of a substance half digested, that this phenomenon might be accounted for from the action of the gastric juice after the destruction of the vital principle. The gentlemen who opened the body in the evidence they gave at Lancaster, and now in their publication, in defence of that evidence, have said that they had in contemplation the gastric juice, but that upon a consideration of the circumstances, and a comparison with the appearances in Mr. Hunter's cases, it would not apply in this instance.

The first objection to the supposition of the gastric juice having this effect is, that it only acted in cases of sudden death from a violent cause, when the gastric juice was in abundance and in proper quality. With respect to the suddenness of the deaths they agree with the present,

as that of Miss Burns was awfully sudden. When the stomach is under considerable irritation, as was the case with that of Miss Burns, the secretion of that organ is in greater abundance than usual, and more acrimonious. According to the opinion, then, of the experienced Morgagni, the secretions of the stomach and different organs would, in this case, be more likely to produce destructive effects, than in cases where death had instantly succeeded perfect health.

The second objection they urge against the supposition of the gastric juice, is that, in these cases, the neighbouring viscera, as the spleen, and the diaphragm have been generally affected. It is only in one of the three cases of Mr. Hunter, that the spleen, or the diaphragm, or any other part, except the stomach, is said to have been affected. But admitting that they had, it certainly appears a singular mode of reasoning, and exhibits another excellent specimen of these gentlemen's logic, to contend that because a cause had produced a greater effect upon certain occasions, it could not therefore produce a less effect upon another occasion, and under a change of circumstances.

The third objection is, that Miss Burns having drank, and frequently rejected large quantities of

fluid, the gastric juice must have been so much diluted as to be deprived of its solvent qualities. But one of the three cases of Mr. Hunter at least, could as little be accounted for, from the effects of the gastric juice, if any influence is to be allowed to this objection, as that in question. For the man who had been killed outright by a poker, immediately before death had eaten a plentiful supper, consisting of meat, bread, beer and cheese. Therefore, in this case, the gastric juice must have been as much diluted as in the case in question.

Fourthly, The injury was not in the lowest and most dependant part of the stomach. Neither was it in Mr. Hunter's cases. The injury was in the large curvature adjacent to the spleen.

The fifth objection is, that the appearances in Miss Burns's stomach did not correspond with the effects of the gastric juice upon the stomach, as described by Mr. John Hunter. This objection certainly surprizes me not a little. The appearances described by Mr. Hunter were, almost word for word, the same with those described by the gentlemen in their evidence at Lancaster, in this case. The edges of the hole, say they, were pulpy, tender, ragged and broken down. The edges of the holes in Mr. Hunter's cases were

pulpy, tender, and ragged. The parts about the hole had the appearance of being acted upon by the caustic alkali; and, as I mentioned in evidence, the parts about the aperture in this stomach were described to me by Dr. Gerard, as having the appearance of being acted upon by the caustic alkali. The only difference seems to be, that the blood could be squeezed out of the ends of the vessels in Mr. Hunter's cases; but not in this. But this difference is purely accidental, and arises from the following cause: The part of the stomach which Mr. Hunter observed to be perforated, was in the large curvature opposite to the spleen. Now, it is well known to all anatomists, that the vessels called vasa brevia pass from the spleen to the stomach and spread on its surface at this part. The blood-vessels at this part are large and numerous. When the stomach is full, as was the case in these instances, these vessels are known to be more distended with blood than when the stomach is empty. This accounts for the quantity of blood that could be squeezed out of the divided vessels in the cases observed by Mr. Hunter. But in this instance the perforation was much nearer the pilorus on the same curvature where it is known the blood-vessels of the stomach are very small. Hence little or no blood could be squeezed out of the ends of vessels.

The sixth and last reason is that the gastric juice affords no explanation of the inflammatory appearances in the stomach and duodenum. But according to the evidence of Mr. Hay, the Surgeon who opened the body, there was no inflammation in the stomach, and the villous coat of the duodenum was only slightly inflamed. This description was not contradicted by Dr. Gerard, nor by Dr. Bostock. But it is well known to all persons the least conversant with morbid dissection, that inflammatory appearances are found in almost every body to nearly as great an extent as they are even related now to have been by the authors of the "Vindication." It must be recollected that Miss Burns laboured under a disease of considerable severity effecting particularly the stomach and bowels. Some inflammation then was to have been expected in these parts.

We have here, then, six distinctions without a difference.

The authors of the "Vindication" have all along considered Mr. Hunter's hypothesis respecting the solvent powers of the gastric juice after death, as an established truth, and are more inclined to dispute his facts than to imagine that his hypothesis could be erroneous. They dwell upon

the inapplicability of Mr. Hunter's theory, in order, it would appear, to get clear of his facts.—Dr. Gerard observed, that Mr. Hunter was the first and only person who had observed this effect of the gastric juice; thereby insinuating that Mr. Hunter's descriptions were likely to be erroneous. But I must tell Dr. Gerard that Mr. Hunter is neither the first nor the last anatomist who has observed holes in the stomach that must have occurred after death, but he is the first who ascribed them to that cause. The truth is, as both Dr. Gerard and Dr. Bostock must have well known from the attention they had paid to the experiments of Spallanzani, and from their knowledge of the chemical properties of the gastric fluid, that such holes as those described by Mr. Hunter could not be accounted for from the effect of this fluid. I am accused of arrogance in having disputed the opinions of Mr. Hunter. I reverence the talents of Mr. Hunter as much as any of the authors of the "Vindication," and perhaps have studied his works with as much care and satisfaction. But I should ill imitate the illustrious example which that great man has set of a mind at all times disposed to think for itself, and that knew well how to disentangle itself from the servile bonds of authority, if I did not canvass his doctrines with freedom, and judge of their truth according to the

dictates of my own reason. Mr. Hunter was not perfect. He was the most accurate observer, and faithful narrator of facts that medicine, or perhaps any other science can boast of; and has thereby provided a plentiful supply of materials; but he was not equally successful when he attempted to draw general inferences from those facts. He possessed a most penetrating genius and an enviable enthusiasm for knowledge; but he was unfortunate in the want of an early education; a want which the greatest talents and industry have scarcely ever been known completely to supply.

If these holes found in stomachs after death are not produced by the gastric juice, what is the cause of them? In my evidence I attempted an explanation of these phenomena on a different principle from the gastric fluid. On account of the length of the detail which would have been required to do justice to my sentiments on this subject, and which was inadmissible in a Court of Justice; and on account of the disadvantages under which a medical man labours on being examined by gentlemen who cannot be supposed to be fully acquainted with the subject; though in this respect I had little reason to complain; my explanation of the cause of these appearances as given in evidence is necessarily imperfect. The perforations

in the stomach observed by Mr. Hunter, and that discovered in the stomach of Miss Burns, are I consider in a great measure connected with sudden death. From the very valuable and most ingenious experiments of Sir John Pringle,* and Dr. M'Bride,† it appears that water at the temperature of 90 degrees will dissolve animal substances in fourteen hours. This septic process will take place to a greater degree if calcareous earth or common salt in a small proportion, about the proportion usually taken with our food, be mixed with it.

The solution is favored by the exposure of the mixture to confined foul air. Heat, moisture, and confined air, produce a rapid solution of animal substances. The component parts of the living fibres are held together by a different affinity from that by which the ingredients of that fibre would be held in dead matter. Hence the organization of animal substances cannot long subsist in the ordinary circumstances after death. The vital principle is the cause why animal substances remain differently combined from the ingredients which compose these substances in dead matter, and

* Pringle on the Diseases of Seamen.

† M'Bride's Experimental Essays.

supports organization. As soon, therefore, as the vital principle is withdrawn, the principles which compose the animal structure have a tendency to follow their natural affinities, and a certain process called putrefaction, or, more properly, animal fermentation, commences. This fermentation is hastened by the presence of the materials I have mentioned, heat, moisture and confined air. In the ordinary gradual modes of death, the vital principle is not extinguished, until the heat of the body is reduced nearly to the temparature of the surrounding objects. Therefore one of the principal things required for the solution of animal substances, namely heat, is wanting: but in cases of sudden death, the vital principle is destroyed, while the heat of the body is still at, or above, the temperature of 96 degrees. There existed, then, in the stomach of this person, at the period of her death, a high temperature, a quantity of gruel which had been taken warm, and in which the common proportion of salt had been probably dissolved, and confined air. The animal fermentation, therefore, would instantly commence in the stomach. The body lay from eleven till half past one o'clock in a small parlour, in which there had been kept a constant fire. It was afterwards removed to a room over the parlour. The liquid with which the stomach was filled, was of a slimy adhesive

nature, and had been taken warm. As this liquid would very slowly part with its heat, a high temperature would be preserved for a longer time in the stomach, the center of the body, than in any other part. When the animal fermentation has fairly commenced in any part, additional heat is engendered by that very process. Dr. Monroe having thrust his hand into a putrid whale found it warm. In these circumstances, then, the substance of the stomach, before the heat was reduced to a low temperature, must have undergone a certain degree of solution. But it may be asked, why was not the stomach all equally affected, and only partially. The reason of this appears to have been as follows. The liver pressing upon one end of the stomach, and the spleen on the other, the fluid contents would occupy the middle of the viscus. As the cold particles of the fluid would fall to the most dependant part, as the body then lay, the upper surface, upon which the anterior portion of the stomach rested, would retain the heat longest. The animal fermentation, therefore, would advance to the greatest extent upon that portion of the stomach, the anterior and middle portion, which rested upon the fluid contents of the viscus. Hence, the destruction of one part of the stomach is accounted for, while the other parts of the body may remain sound. But why, it

may be asked, did not this happen in the intestines, which also contained the same fluid? The column of fluid contained in them, was less than that contained in the stomach; therefore the heat would be sooner dissipated.

But an objection, apparently strong, may be urged against this explanation: There was no putrefactive smell perceived when the stomach was opened; on the contrary, there was a sour smell. In answer to this objection, we have to observe, that there was a vegetable matter in the stomach. From the experiments of the same ingenious Physician above-mentioned, Sir John Pringle, it appears that decoctions of flour, oats, and barley do not for some time impede the progress of the animal fermentation, in a mixture of the temperature stated, but that, at length, the vegetable fermentation commences, checks the septic process, and sweetens the putrid effluvia. At the time this body was opened, the vegetable fermentation had commenced. had stopped the septic process, and had even produced a sour smell.*

* The authors of the "Vindication" have argued, that I have misunderstood Sir John Pringle, and that I have confounded putrefaction with chemical solution, two things completely different. This is a correction which I do not under-

It is remarkable that many of the cases mentioned in Lieutaud, of holes in the stomach, were of persons who died from short and violent illnesses.* The instances particularly mentioned by Mr. Hunter, of holes found in the stomach were cases of sudden death. The first time he observed the stomach perforated, was in a man who had been killed outright, by a blow on the head with a poker. The stomach was perforated at its large end, and the contents of it were found in the general cavity of the belly, in contact with the liver, spleen, &c. The second case was also that of a man who died almost instantly, from a fracture of the skull. Here not only the stomach was consumed, but the adjacent side of the spleen; the diaphragm was perforated; and the contents of the stomach were found in the chest, in contact with the lungs. The third and last case which he

stand. The decomposition of animal substances by water at a certain temperature, whether it be termed putrefaction or animal fermentation is as much a chemical solution as sugar dissolved in water. How common salt acts in hastening this decomposition is not clearly understood. I was certainly not a little surprised at this criticism coming from a class of men, one of whom is a professed Chemist; but this proves that a man may be skilled in all the practical details of chemistry without understanding its principles as a science.

* Lieutaud Historia Anatomico-Medica. vol. 1, p. 35, 36, 37, 38.

particularly mentions, is that of a soldier who had been executed. Mr. Hunter, however, describes apertures appearing in the stomach upon dissection, as a very frequent occurrence. He further says that he found few stomachs which were not, to a certain degree, digested at their large end,* using the word digested in reference to his peculiar theory. And it is curious to observe with what care the gentlemen who opened the body avoid the use of this word in application to the parts surrounding the hole in this case: "It was not," says Mr. Hay, "a *digestion*, but a *destruction*."

It is, however, by no means to be inferred that holes in the stomach will occur in every case of sudden death. If the stomach be empty at the time of death, then one of the particulars required for the speedy destruction of organization is wanting, at least in such quantity as to prevent the rapid dissipation of the heat. If the weather be cold, and the body placed in a cold exposure, this effect will be prevented, even if other circumstances should be favourable.

The application of these principles will enable us to explain many curious phenomena of which

* Philos. Transact. vol. 62, p. 447.

perhaps no satisfactory account has hitherto been given. It is well known that the blood of persons who die suddenly of apoplexy ; of epilepsy ; from blows on the stomach and head ; and from suffocation, does not coagulate. The blood of animals which die in the chase does not coagulate.* The cause of this phenomenon appears to be in all these instances the same, the destruction of the vital principle while the temperature of the body is still at or above the standard of health. It is well known that the blood does not coagulate until it is reduced to a certain degree of cold. Now a considerable time will elapse before the blood of a person who dies suddenly will be reduced to the coagulating standard. In the mean time, heat, which resists the coagulation, favours the animal fermentation, and destroys, if I may be allowed the expression, the organization of the blood, upon which its coagulating property depends.

The carcasses of persons who die of violent and sudden deaths, and who die of poison and putrid diseases, pass more rapidly, under the same circumstances, into a state of putrefaction, than of those persons who are cut off gradually by other diseases.

* Leber's Anatomy by Vaughan.

The reason why the bodies of persons who die suddenly pass rapidly into a state of putrefaction, is easily deducible from what has been said respecting the cause of the blood, in these cases, not coagulating.

The reason why the blood of persons who die of poison and of putrid diseases does not coagulate, and why their carcasses pass more rapidly than others into putrefaction, seems to be as follows:

It is evident that the small quantity of poison that is taken into the body cannot have any effect directly upon the mass of fluids. It appears most probable that poison produces the phenomena we have mentioned, by its influence upon the nervous system. It may, through this, be supposed to affect the vital principle in a peculiar manner, and, without extinguishing it, to deprive it of its peculiar properties. Now, one of the properties of this principle is to resist putrefaction;—may not, then, poison deprive the vital principle of its power of resisting putrefaction to a certain degree, while the heat of the body remains at the ordinary standard; and thus, before death takes place, the putrid ferment have considerably advanced among the fluids? In putrid fevers, it would appear from the very successful practice recommended by

Dr. Hamilton, that the existence and continuance of the disease depend, in a great degree, on the presence of an animal poison in the alimentary canal. This matter may be supposed to affect the vital principle in the same manner that the external poison has been alledged to do, and that therefore the septic process advances in the body to a considerable extent, before the extinction of life.

But to return: The authors of the "Vindication" wish it to appear, that on the question of poison, there existed some trifling difference of opinion between them and me, but that we were not directly opposed on that head. But I contend that it was on the subject of poisoning that our opinions were most directly contrary. Dr. Gerard and Dr. Bostock swore, that, in their opinion, the hole in the stomach must have been occasioned by some deleterious drug taken into it. Mr. Hay professed more charity, but was at least equally positive. "It must," says he, "have been occasioned by some deleterious drug taken into the stomach." Could they have asserted a more decided opinion, even though they had found arsenic in the stomach, only substituting the word arsenic for some deleterious drug. The question of poisoning was, with respect to the object of the trial, by far the most important. Though it had been certainly

ascertained that a child had been recently born, yet this circumftance could have had no effect upon the general result of the trial. It could only have operated as a strong presumption that the deceased had come to her death by poison. But no presumption, however violent, could have had the least influence against the clear and decisive proofs of the contrary, which I advanced, and which carried conviction to the breast of every reasonable and candid man. Supposing I had not said a word respecting the pregnancy, the result of the trial must have been the same. We are referred in proof of their having doubts respecting the poisoning, to a statement they laid before the coroner. We are marched from the coroner to Lancaster, from Lancaster to the coroner, without the least ceremony, and as suits their own convenience. But what have I, or has any man, to do with what they said before the coroner. It is worthy of notice, however, in this case, as it will give some information respecting the progress of their opinions. Taking, say they, all the circumstances of the case into consideration—Here we discover the foundation of all their errors. What, in the name of God, had they to do with circumstances? If circumstances were permitted to have any influence upon their opinions, they became at once the judges of the accused, not the witnesses of simple

facts. When called upon in cases of such awful responsibility, as those of deciding upon the causes of the death of one person, involving the life of another, we ought to abstract our minds from every other consideration, except the medical case. We have no right to form expectations, nor to entertain suspicions. We have nothing to do with circumstances, nor presumptions, nor with character. We ought to confine our thoughts still more. We have no right to allow the appearances of a distinct nature which may present themselves in one part of the body, to have any influence in the formation of our opinions, of the cause of the appearances in another. For instance, in the present case, these gentlemen ought not to have allowed the state of the womb, to have had any influence upon their judgment respecting the hole in the stomach. The question of poisoning is independent of the state of the womb, and ought to stand upon its own grounds. Neither ought the hole in the stomach to have had any influence upon them, in forming their opinions of the pregnancy. They are indipendent questions. I would ask these gentlemen whether having found upon dissection a hole in the stomach of a person who could not have been suspected of having taken poison, they would then have given it as their opinion, that it had

been occasioned by some deleterious drug taken into the stomach?

Had these gentlemen attended less to circumstances and more to their proper business, the result would not have been so discreditable to them as it is to-day. For I contend that from the imperfect and most censurably deficient examination of the body, they had, in point of law and justice, no right to give any opinion respecting the causes of this Lady's death. For, supposing they had found in the stomach what might have been conceived a sufficient cause of death, how could they tell whether some other cause might not have existed elsewhere, to which this was subsequent, or of which it was an effect. But though her death was awfully sudden, they never examined the head, the fountain of life, and the most abundant source of sudden death. This neglect is the more remarkable, as the rupture of a blood vessel in the head, and many affections of the brain, might have produced the very symptoms, frequent bilious vomiting, with which she was affected. Mr. Bell, in his excellent Treatise on Diseases of the Head, relates the case of a lady who died in consequence of the rupture of a blood-vessel in the brain, from a slight false step, in which case the symptoms

were almost exactly the same as in this.* Considering that the most marked symptom of the disease by which she was affected immediately before death was shortness of breath, was it not most natural to have examined the organs of respiration? Yet the thorax was not opened. The heart, after the brain, is the most important of all the viscera, and a fruitful source of sudden deaths——Yet they did not examine the heart. Though the abundant secretion of bile and its altered appearance would, to any considerate mind, have suggested the idea of a diseased state of the liver or pancreas,—yet it does not appear that they had examined any of these viscera. On the continent of Europe, where morbid dissection is more frequent than in Great Britain, and where the laws of medical jurisprudence are better understood and observed, it is regarded as a fundamental maxim, that any conclusions, drawn from a partial examination of a body, are illegal and ought to be void. It was fully in the power of the counsellors on the part of the defence to have stated a legal objection, which no Court could have over-ruled, to the evidence of the gentlemen who opened the body. They had no more right to give an opinion respecting the cause of Miss Burns's

* Bell on the Diseases of the Head.

death, than the most illiterate person in Court. They had not availed themselves of the opportunities of ascertaining the grounds upon which a cautious correct opinion could have been founded.*

As an apology for these omissions, Dr. Gerard observed that, fully expecting to find poison in the contents of the stomach, (charitable expectation!) they did not think it necessary to proceed further. But though their expectations were disappointed in this, as in other instances, this did not diminish their belief that poison had been the occasion of her death. The experiments upon the two dogs, experiments which certainly deserve to be commemorated, enabled them to get clear of this trifling difficulty.

The authors of the "Vindication" appear very anxious to withdraw the public attention from the

* On Pourroit meme soutenir qu'une ouverture de cadavre, dans laquelle on auroit negligé ce precepte (ouverture de trois cavitées du Corps) devroit etre declarée non-legale et de nul effet. *Medicine legale, p.* 237.

Tulpius has justly observed: "Abditorum morborum causa haud satis fuerit inquisivesse in naturam vulneris, nisi simul perscruteris *corpus universum*, ne inconsiderate adseveres quemquam subiisse speciem ejus ut occisi, quem mors sua peremit."

question of poisoning, and to fix it exclusively upon the pregnancy, as if that was the only important part of the case. They have not shewn any activity to get signatures in confirmation of their opinions on that head. When they came to the determination of supporting their opinions, not by argument, for that they knew to be impossible, but by authorities, such a degree of fairness might have been expected of them, that they would have submitted the whole case for consideration. But when Mr. Hay went to London, in his hurry, he left the stomach behind him. Their reason for that, they pretend to be, as has been already observed, that we were directly at issue with respect to the pregnancy; whereas, with respect to the poisoning, there was room for an innocent difference of opinion. But, in reality, we were more directly at variance in the case of poisoning than in that of pregnancy. Let it not be supposed that I mention this from any apprehension that my opinions respecting the pregnancy cannot be maintained; on the contrary, they remain unaltered. But I wish to point out the dexterity and skill with which they have contrived to raise the importance of one part of the question, where they conceive themselves strong, by sinking the other, by far the most important part, where they know they cannot defend themselves.

We now come to the second grand head of the examination, " Did the womb afford sufficient proof that it had recently parted with a child?"—Here is the tug of war. I have hitherto, single-handed, had to contend with four redoubted knights. But a whole host of new foes have sprung up against me, clad in complete armour, and of furious aspect, all of a sudden, like the warlike produce of the venomous fangs of the Dragon monster, still preserving in their transformation, the murderous qualities of their parentage. My opponents knowing this to be the weak part of the fortress, have like skilful generals collected all their forces to this point, expecting to take it by storm. But when I consider the character of these new assailants, I feel the fears which the first view of their numbers had inspired change into renewed courage; perceiving that like the numerous followers of an Eastern army, they will be found an incumbrance, not a succour, to their friends, on the day of battle.

The authors of the " Vindication" contend that the womb afforded the most certain proof of recent delivery, and that they were as convinced of it as if they had seen the child born. Upon my examination, I argued, that there were appearances which being maturely considered led

my mind to entertain doubts of it. These appearances were chiefly the very distended state of the womb; its lax and bag-like form; the great space it would encompass in a state of expansion; together with the extent of the mark to which a Placenta was supposed to have been attached.—To these may be added, the state of the mammæ and the previous history of Miss Burns's complaints.

That my argument upon this subject may be more clearly understood, it will be proper that I should enter into a little detail.—In pregnancy the womb assumes a globular form: the child is connected to it by a cord, which at one end issues out of the naval of the child, and which is connected by the other to the internal surface of the womb, by means of a cake-like substance called the Placenta. Numerous blood-vessels enlarging according to the growth of the child, pass from the womb to the Placenta, after a peculiar manner not necessary to be described. If in the advanced stages of pregnancy, the Placenta be torn or separated from the womb, continuing in the same state of dilatation, a great hæmorrhage would take place from the divided vessels, terminating in the death of the mother. To prevent such an occurrence, nature has instituted a particular process.

At the full period of gestation, or from particular circumstances at any period, the womb with the asssistance of the abdominal muscles and diaphragm, contracting, first expells the child, and continuing to contract permanently, at last expels the after-birth. The area of the place upon the womb to which the Placenta had been attached, becoming by this process so much less than the face of the placenta which does not contract, the connecting vessels are as it were cut through; and the placenta is in this manner separated from its attachmeut to the womb. The transverse section of the divided blood vessels on that part of the womb which had thrown off the Placenta being contracted in proportion to the area of this part of the furface of the womb, these vessels upon a sufficient contraction of this organ are mechanically closed and pour out little blood.

In those cases in which the loss of blood is soon stopped, the dimenisons of the womb remain for some time larger than they had been before impregnation. From the dissections of women who have died two or three days after delivery, from other causes than the loss of blood; the womb has been found to vary in size from that of the closed hand to that of the head of a child of two

years old.* In these cases the difference of the external dimensions arises from the difference in the thickness of the parietes, not from any consisiderable difference in the cavity. Accordingly the parietes have been observed to vary in thickness from two to three inches, which will make a diameter of solid womb of from four to six inches. Unless some displacement of the materials of which the womb is composed, took place; it is plain that during its contraction the thickness of the walls would increase inversely, as the periphery diminished. But during this process, blood and lymph are squeezed out of the vessels which with the fluids they contain constitute a great share of the substance of an impregnated womb. The difference in the thickness of the walls between two wombs after delivery, will arise chiefly from the diminution of the cavity of the vessels belonging to them containing blood and lymph. It is evident, therefore, that the cavity of the womb may be contracted so as that its opposing internal surfaces may be firmly pressed against each other long before the process of contraction be completely finished; or less, ambiguously, long before the thickness of the parietes be reduced to their dimensions before impregnation.

* Vide Sepulchretum Bonneti. Morgagni de Causis et Sedibus Morborum. Hamilton.

It appears, then, other things being equal, that the loss of blood after the separation of a Placenta will be in proportion to the extent of the mark to which the Placenta had been attached. Although the womb may not have undergone that degree of contraction by which the vessels on the part from which the Placenta had been detached, are mechanically shut; the hæmorrhage may be stopped, and life saved, by clots forming and plugging up the vessels, in case of a languid circulation from exhaustion.

To apply these observations to the case in question. The womb was not certainly contracted to that degree necessary to shut the mouths of the blood-vessels opened by the separation of a Placenta. It was capable of containing a whole quart of fluid. The walls were only half an inch in thickness. It could not, therefore, have undergone within a short period any considerable degree of contraction. The place of the supposed attachment of a Placenta was fully four inches and a half in diameter,* nearly the diameter of a Placenta at the full period of gestation, which, according to Denman, is about six inches. The

* I now speak of the dimensions given by the authors of the "Vindication."

bore of the vessels, upon the supposition of the removal of a Placenta, must have been so large that unless a very great additional contraction had taken place, death, from loss of blood, must soon have been the consequence; and the hæmorrhage must certainly have continued until either a more perfect contraction or death had ensued.

To be fully satisfied of the truth of this conclusion, we have only to consider what takes place in cases of abortion, during the third month of pregnancy. At that period the ovum is not larger than a common egg, and the womb dilated only to the extent necessary to contain it. Even in this state, if a part of the Placenta only be separated from the womb, floodings bringing the mother almost to the very point of death, frequently occur. If then such extensive floodings occur when the womb is in so contracted a state, and when the vessels must have been so small, how much greater floodings would necessarily ensue in this instance when the womb was capable of containing a quart of fluid, and when the bore of the vessels must have been enlarged in proportion to the extent of the womb?

Supposing a Placenta had been recently detached from the womb in question, and supposing

it to continue in this dilated state; was I not warranted in declaring that a flooding must have prevailed; and that this flooding must have continued to the death of the mother, or until the formation of coagula; and conversely, if no flooding had taken place, nor coagulated matter formed to plug up the vessels, the same state of the womb being supposed, that a Placenta could not have been recently detached? Whether a flooding, continuing, as it must have done, to her death, had prevailed, or whether coagula had plugged the vessels, it was not for me to say. If any credit is due to the proper evidence, none of these could have happened. A very small quantity of florid coloured blood was found oozing out of some vessels at the fundus of the womb when examined by Mr. Hay. This was to have been expected without either the separation of a Placenta, or the existence of menstruation. At the time she was discovered dead, her cloaths, which had not been changed, were scarcely stained with blood, nor was there a spot of blood in any part of the room.

It seems that Mr. Hay at first entertained the opinion, no doubt from the state of the dilatation of the womb, that Miss Burns must have died of a flooding; and gave it as his opinion, upon oath, before the Coroner, that this must have been the

cause of her death. But it was certainly in Mr. Hay's power to have ascertained whether she had died of a flooding or not; and since he entertained that opinion, it was his duty to have availed himself of the opportunity. Heister relates that a woman who had carried twins was delivered of one of them, and died of a flooding before the birth of the other. This celebrated anatomist opened the body of the mother and of the child that remained in the womb, and found the heart and veins of both of them empty of blood. It is well known that women in this situation will part with more blood before they die, than can be lost, perhaps, without death, in any other circumstances. This fact must have been known to Mr. Hay and his colleagues. He acted, therefore, with culpable neglect, in not having examined the heart and veins of the deceased. From the days of Hypocrates to the present time, there never was a more deficient, unprofessional dissection, on which any important consequences depended, than that of the body of this lady.

The reasoning which I have advanced will, I confess, only apply to the case of a child who had been alive either at, or at no very distant period before birth. If the child had been long dead before its birth, a very material change might have

been effected in the state of some things, which I confess I did not contemplate at the time I gave my evidence, and which the authors of the "Vindication" do not seem to have known. Soon after my return from Lancaster, when arguing this affair with my friend, Mr. M'Culloch; this gentleman stated it as an objection to my argument, that a child which had been long dead might be born without either a mortal flooding occurring, or the womb being more contracted than that in question. I immediately perceived and acknowledged the force of the objection. If the child had died some weeks before its birth, the Placenta becoming also in time, dead; that action would take place between the womb and the Placenta, which usually takes place between living and dead matter; and the Placenta would be separated from the womb in the same manner that a mortified part is separated from a living. In this case, at the time of birth, there would have been no open vessels upon the internal surface of the womb; the mark of the attachment of a Placenta scarcely, if at all, perceptible; and, in my opinion, any mark that would have been left would not have been rough, but smooth, as it would have been covered with a new cuticle. Though, therefore, the womb had remained in this state of dilatation at the time of

the birth of the child, no blood would have been lost.

If this state of the case be supposed, it is evident that the rough mark at the bottom of the womb could not have been a Placental mark. It will also appear evident that it is perfectly impossible to fix any period from the appearances of the womb, when the child had either died or been born. There is no reason why the womb might not have remained in the same situation after the birth of the child for any given time. In order to place the truth of this observation in a clear point of view, it will be necessary to enquire briefly into the causes of the contraction of the womb, after the delivery of a child.

The powers by whose means the solid parts of our frame are put into action are muscularity and elasticity. Elasticity is a property connected with the structure, and independent of life; muscularity on the other hand, is so connected with the living principle that it ceases at or soon after the extinction of life. It is by the combined influence of these two powers that the permanent contraction of the womb is performed. The muscular fibres of this organ are neither numerous nor very perceptible. The office of contracting the womb is,

without doubt, chiefly to be ascribed to the elastic fibres of this organ, and of the vessels, particularly the arteries which belong to it. It is plain, therefore, that the womb, unless in a state of disease, when dilated beyond a certain degree, must exert a certain effort to recover what may be termed its natural situation. This effort, except so far as the muscular influence is concerned, cannot be affected by recent debility, nor, for a certain time by death itself. The opinion, therefore, so confidently asserted by Mr. Hay, that the languid condition of Miss Burns, occasioned by her disease, would abate the contracting efforts of the womb; and that death would instantly destroy them, is unfounded, and betrays a complete ignorance of the structure and physiology of this viscus. Experience in this case completely confirms the deductions of reason. The contracting efforts so far from being diminished, are found to be augmented by the debility occasioned by the loss of blood, and by the approaches of death itself.* The principal cause of this appears to be the elasticity of the arteries of the womb. These vessels, being less powerfully distended with blood, in consequence of the feeble action of the heart, sustain a diminution of their cavity, and a shortening of

* Denman's Introduction to Midwifery.

their axis as is known to happen during and after death, and thus powerfully aid in contracting the sphere of the womb. It is in consequence of this elastic power acting after death that the arteries completely empty themselves of blood, which is in general all found in the veins. The womb, like the arteries, continues to contract after death till the resistance becomes equal to the elastic power.

The fibres of the womb may be so diseased without exhibiting any appearance of altered structure, as in a great measure to be deprived of their elasticity. Should therefore a dead child be separated from a womb in this situation, the elastic power of the organ would be balanced by the resistance long before it had recovered its usual dimensions. There is a case in Bonnetus of a womb having remained in a state of dilatation from the birth of the last child which happened upwards of a year before the death of the mother.* When I first noticed this case, I was of opinion that the womb must first have contracted to save the life of the mother, and that it had been afterwards dilated by some other cause than pregnancy. But I now think that the statement of Bonnetus may be admitted upon the supposition that the womb

* Sepulchretum Bonneti.

had parted with a dead child; and that, in consequence of a diseased fibre, the elasticity had been balanced by the resistance, while this organ was still in a state of dilatation. Cases are related, in which the womb has parted with several quarts of water monthly.* In these instances, this viscus, in my opinion, must have existed in a constant state of dilatation; for it cannot be supposed that it could have contracted and dilated regularly in so short a period. If in any case the contracting effort, and the resistance are balanced for any short period at any particular stage of the contraction, what reason can be offered why that state of the womb may not continue for any given period?

Supposing that this womb had parted with a child that had been long dead before its birth; and on the supposition that the mother did not die of a flooding it could have parted with no other; it is impossible to fix any period at which the delivery had taken place; the womb had certainly reached a stage at which the contracting power and the resistance were balanced; it might have remained in this situation from any preceeding period, and if Miss Burns had lived, it might

* Wilkes's Historical Essay, and Smellie's Midwifery.

have continued in that situation to any given period. Upon the supposition that there was no flooding at the time of the death, the mark at the bottom of the womb certainly could not be occasioned by the separation of a Placenta. All the appearances may therefore be explained from other causes as well as from the birth of a dead child. Indeed, the elasticity of the fibres of the womb was most likely to have been impaired by some cause of long duration, as by dropsy or moles, which may continue for years. The original dilatation was therefore more likely to have been occasioned by those causes than by pregnancy.

In order to understand this argument fully, it does not require a practical knowledge of medicine. After the description which I have attempted of the structure and mechanism of the womb, every man whose mind has been disciplined by mathematical learning and who understands the principles of mechanical philosoply is fully able to form a correct opinion on the subject; and, in my judgment, the man whose mind has been so disciplined, though he may never have seen a womb is a much more competent judge of the question, than the man whose mind has not been so disciplined, though he may have dissected and handled a thousand.

The great and insurmountable obstacle to the supposition of any other cause than pregnancy producing the appearances which this womb exhibited, is, in the opinion of the authors of the "Vindication," the circular mark on the bottom of the womb. The Gentlemen acknowledge that the distention of the womb and even the dilatation of its mouth may have been occasioned by other causes, as by dropsy, but they maintain that no other cause could produce the mark in question and the enlarged condition of the vessels within the circumference of this mark excepting pregnancy.

When I first examined the womb, this mark certainly did not appear to me to resemble what I supposed would be the mark left by a Placenta, and had, no doubt, its effect in raising doubts in my mind respecting the pregnancy. This circular mark exactly resembles the description of appearances which the fundus of the womb is occasionally known to assume under a state of dilatation from whatever cause. Anatomists have observed frequently, though the appearance is not constant, the fundus of the uterus pitted by considerable holes, in which drops of blood are generally found in those women who have died during menstruation. Mauriceau, Spigelius, and Wind-

slow have described these appearances on the internal surface of the fundus of the womb. "These holes" says Artruc, in his excellent treatise on the diseases of women, "become in the uterus of pregnant women, of a round and oval figure of from one line to two—from the increase of magnitude which the parts of the uterus suffer at that time."* Though Artruc speaks of this appearance as accompanying pregnancy, it is evident that he means that it must accompany the distension of the womb from any cause. The fundus of the Uterus is circular in its unimpregnated state and therefore will preserve the same figure when the womb is generally enlarged.

The vessels belonging to this part of the womb, and which are properly described by Mr. Hay as *plainly discoverable*, were only the venous appendices, which open into the fundus of the womb, encreased with the general enlargement of that organ. Mr. Dawson and the authors of the "Vindication" state, that vessels capable of receiving a common bougie, and as large as a crow quill, are observable within the circumference of the mark alluded to. But I must be permitted to

* Artruc, sur Maladies des Femmes, vol. 1. p. 19 (English copy.)

say, that I could not observe any such vessels at my first examination. If they had existed in that state, why did not Mr. Hay, who was much urged to give a full description of this mark, mention such a prominent and important feature in the picture. In fact, these vessels, as well as many other things of importance, have been discovered since the trial. What a misfortune it is that the whole body had not been preserved; we should then have had a very learned account of the appearances on dissection, new modelled.

Since the trial, I have been favoured with a view of the womb, in the presence of Mr. Christian and Mr. Dawson, two surgeons who have given decided opinions in opposition to mine.—The womb was in a state of great decay: I do not believe that, in substance, it was above one half of what it was when I first examined it. Its structure was, of course, in a great measure, destroyed. The vessels which have been described so minutely by Mr. Dawson and the authors the "Vindication," were pointed out to me by Mr. Dawson, and inflated by a blow-pipe. It will scarcely be possible to conceive the astonishment I felt at the deception into which these gentlemen had fallen. The vessels of which they speak were nothing else than communications between dif-

ferent parts of the cellular membrane, which was considerable on the fundus and cervix of the womb. The same openings were found in the same extent upon the cervix, but as the inflation had not been so much practised here as upon the fundus, the communication between the cells was not so free. The inflated appearance could never have been produced by blowing into blood-vessels unless the coats of these vessels had been perforated and allowed the air to escape into the cellular membrane. The veins, indeed, anastamose, but this happens chiefly in the ramifications. The inflation of veins would not, as happened in this instance, spread upon the surface but sink deep into the substance of the womb. The distinct appearance of these cellular communications was the necessary consequence of the dissolved state in which the womb was, and would have appeared in any part of the body in the same state where cellular substance exsited in any considerable quantity. Mr. Christian, who saw the womb at the time it was extracted from the body and who after the opinion he has given in writing, will not be suspected of admitting any thing unfairly favourable to my cause, said, that he could have had no idea of the womb being in such a state of dissolution.

Another circumstance, convincing me that the circular appearance on the fundus of the womb could not possibly be the mark which a Placenta had left, is the extent of that mark. Mr. Hay, when interrogated respecting the extent of the diameter of this mark, observed, that he wished, out of charity, to be within bounds; and was, with difficulty, brought to admit that it was four inches and a half; wishing that it should appear that he was not inclined to state the utmost extent, which would have indicated the birth of a child at nearly its full period. This is another eminent instance of Mr. Hay's charity; for that Gentleman must have well known that the larger he admitted the extent of this mark to be the stronger were the objections to the existence of a child at all. Mr. Hay once observed to me in a conversation, which will be afterwards noticed, at the Infirmary, that he had no doubt this mark was six inches in diameter. The authors of the "Vindication" say "that it was full four inches and a half in diameter". Why so many opinions respecting a thing that might have been ascertained with such certainty, and upon the extent of which such important consequences rested? Why was not this mark measured? When I lately saw the womb, I desired Mr. Christian and Mr. Dawson to point out to me the dimensions of the supposed

Placental mark, that I might have an opportunity of measuring it. They did so; and I took the dimensions according to their limitation, and found, by a measurement made in their presence, that the circular mark upon the fundus was seven inches and a half in diameter one way, and six inches and a half the other way. As this womb might contain about a quart, this mark, as will evidently appear, covered about one half of the whole internal surface of the womb; far beyond the proportion of the womb that is ever covered by a Placenta. I have not been able to find any data from which the capacity of a womb at the full period of gestation can be ascertained. There must, of course be a great diversity in this respect in different cases. I find from the conversations which I have had with several experienced Accoucheurs, that in their opinion a womb in the condition supposed, would at least contain five quarts. Upon the fair supposition of only an uniform extension of the Placental mark compared with the general extension of the womb; if a circle upon the circumference of a sphere whose solid is equal to one quart, measures seven inches in diameter, what will be the diameter of a similar circle upon the circumference of a sphere whose solid is equal to five quarts? From the demonstra-

tion of this theorem given in a note,* it appears that the diameter of the circle upon the larger sphere would amount to fully twelve inches.—Now, according to Dr. Denman, and the best authorities, the face of a Placenta at the full period of gestation, measures about six inches in diameter. We find, then, that the face of the Placenta of this woman at the full period of gestation would have covered a space four times as large as that which is usually covered by the Placenta; it being well known that the areas of circles are to one another as the squares of their diameters. Miss B. was a woman of very small stature. There is, I know, a difference in the size of Placentas, as there is in every thing human. But I could as soon be induced to believe that men existed of the stature of twenty feet, as I could believe that the mark pointed out to me by Mr. Christian and Mr. Dawson, had been occasioned by the separation of a Placenta. This is an objection which all the authorities in the world can never overcome.

After a proof so completely conclusive, that the rough appearance on the bottom of the womb, could not have been occasioned by the separation of a Placenta, it would appear superfluous to advance any other argument. I will, however, state another circumstance. This mark exactly covers

* See the last page.

the bottom of the womb, a part of that viscus to which a Placenta is very seldom, if ever, in that manner attached.

A corpus luteum has been found in one of the ovaries! This is another discovery that has been made since the trial, and is regarded by the authors of the "Vindication" as a certain criterion that Miss Burns had once been pregnant. "Nothing" say they, "can account for a corpus luteum in the ovaria but pregnancy." Very late authors of great authority state the contrary.— "An adult virgin ovarium" says Dr. Hooper, "contains a number of highly vascular vesicles, filled with a transparent fluid; these are ovula and were first discovered by De Graaf; besides these, there are occasionally two or more blackish spots; these are called *corpora Lutea;* they are supposed to be a certain criterion of a woman's having borne a child; but this is erroneous, for corpora lutea exist in virgins." Indeed, the assertion is contradicted by the very authority they quote. Denman says, they are found in females who have borne children, and such as are salacious, by which he must mean females of that character who have never borne children, else why the distinction? Indeed, the whole supposition respecting corpora lutea depends upon a theory of conception, to

which there are insurmountable obstacles. But allowing the theory to be true, the existence of a corpus luteum in the ovaria, would only prove that the venereal orgasm had taken place, which, without doubt, may happen *sine coitu*.*

Upon the supposition that Miss Burns had not died of a flooding, and that no coagula had formed in the uterus; and, of course, according to my argument, that she had not lately been delivered of a child; I was then asked by what other cause could the appearances in that womb be accounted for. I answered that there were many causes, meaning steatoms, moles, dropsies, tympanitic affections, by which the womb has been known to be frequently distended; but that, in my opinion, the most probable cause, in this case, was that species of dropsy termed the hydatid. The authors of the "Vindication," have strangely perverted the meaning of my argument on this subject. They have represented what I advanced only as a probable cause, among others, as if that had been maintained by me to have been the real and certain cause. They have therefore undertaken a great deal of unnecessary labour in attempting to dis-

* Oviparous animals, it is well known, part with their ova, without any intercourse with the male.

prove a conjectural opinion; and in pursuing this extraneous object they have altogether neglected my real argument. There is evidently a great deal of dexterity displayed in their generalship on this occasion. They found that my argnment, respecting the separation of the Placenta, in a certain state of dilatation of the womb, without excessive flooding, was not to be easily overcome. They have therefore passed this over with a word or two and directed all their force against the hydatids, which, in fact, were of no moment, but which they have contrived to magnify into the greatest importance. Mr. Clarke, they say, has seen Uteri remaining as much dilated after delivery as this, without a flooding taking place. The opinions of Mr. Clarke I shall afterwards have an opportunity of noticing. Assertions which contradict the known principles of our constitutions, ought to be regarded in somewhat the same light as miracles, and are not to be credited, except upon the strongest evidence, and certainly not upon any single authority. If any man were to tell you that he had seen an arm cut off, and that no blood was lost, although no means had been used to prevent it, would you consider him worthy of the least credit? So imperfect is our knowledge of nature, that we can often discover circumstances which

prove the fallacy of an hypothesis, without being able to substitute any thing more certain in its place. Though I had not been able to assign any reason for the dilatation of the womb, and the other appearances it exhibited, still the force of my objection upon the suppositions stated, to the pregnancy, would have been equally valid. In this case, the mind, in balancing difficulties, could have no hesitation on which side to incline the scale. For, by admitting the supposition of pregnancy, you are obliged to admit a conclusion contrary to the laws of nature; whereas, by rejecting that supposition, you wonld only admit an inexplicable phenomenon; and heaven knows that in the complicated fabric of the human body—the most stupendous machine in the universe—there are many phenomena for which the wisest can give no account. We are not, however, even reduced to any such dilemma; the authors of the "Vindication" admit that the distention of the womb, and even the dilatation of its mouth may be occasioned by other causes than pregnancy, as by dropsy. "No viscus in the female abdomen," says Dr. Wilkes, "is more subject to dropsy than the Uterus, and this too in every stage of life. * * * * Many innocent virgins have lain under the heavy censure of pregnancy, when the dropsy of the Uterus has been

the evil they laboured under."* At another place the same author remarks, "Sometimes collections of water to the amount of many pints are discharged monthly from the mouth of the womb, when the belly falls." I was the more inclined to consider the distention of the womb in this case, upon the supposition that it had not been the effect of pregnancy, to have arisen from dropsy; that the symptoms with which, according to the strongest testimony, she was affected, were those which characterise dropsy of the womb; namely, shortness of breathing, softness and flatness of the breasts, paleness of the face, wasting of every part of the body except the abdomen, fluor albus, and the absence of the catamenia, for a period much longer than the duration of pregnancy.

The most difficult encounter, in the opinion I suppose of my opponents still remains to be sustained, the authorities of certain Practitioners in London and Liverpool. My adversaries have had recourse to a singular mode of settling a medical dispute. Are we now returned to the period of ignorance and bigotry, when all matters of reason and conscience were determined by privileged authorities? Is an end to be put to all individual

* Wilkes's Historical Essay on Dropsy.

independence of sentiment by the terrors of an Inquisition? This is a most dangerous example, calculated to suppress the frequently happy temerity of youth, and threatening the dearest interests of Science. I appeal from this self-constituted tribunal to the public at large. In the first place I submit it as a question for serious consideration, Whether the simple inspection of a womb that had been nearly seven months extracted from the body; and which, as was confessed by one of my opponents, was in so complete a state of decay as scarcely to retain any of its original characters; could have afforded sufficient data from which any man, however great his experience and knowledge may be supposed, could have justly decided whether that womb had been impregnated recently before its extraction or not? Yet it is from the structure and appearances of the womb, that the London gentlemen confess to have formed their opinions—a structure which was in a great measure destroyed, and appearances that were totally altered. These gentlemen knew nothing of the previous history of the lady; of her habits or diseases; and, above all, of the state of the mammæ. I have heard that a very strong case was submitted to their consideration. But if this case be the same with what has been published in the "Vindication," and considering the importance of the object that was to have been

obtained, it is not likely to have been less favourable to the views of my adversaries; any opinions influenced by descriptions so foreign to the purpose, ought to pass for nothing. In a matter of this importance, and in which the interests and professional character of an individual were so deeply concerned; good manners, or at least a respect for the appearance of justice, would, it might have been expected, have induced them to pause and to defer their decision until they had known what that individual had to advance in defence of his doctrines. It is said that Mr. Hay, having placed before these gentlemen the womb, first delivered his own sentiments and then mine. But even supposing that I could have considered Mr. Hay as an impartial historian, in an affair in which his own interests were so deeply concerned, and in which his feelings appear to have been so keenly engaged, that gentleman is among the very last persons whom I would select for being the vehicle of opinions that required any thing like the exercise of reasoning in the reporter.

None of the opinions delivered by any of the six London Gentlemen, except one, applies to the present case. The question in dispute between the authors of the "Vindication" and me, is not whether Miss Burns had recently been delivered

of a child; but whether a child, in the dilated state in which the womb existed, could have been born without a flooding continuing till death, or till the womb had been more perfectly contracted. Some of these gentlemen say that they cannot satisfactorily account for the appearances which this womb afforded, except upon the supposition of a recent delivery of a child. But this argues only the imperfection of their knowledge, not the existence of pregnancy. I would ask Dr. Denman, whether, if he had seen the mammæ of this lady and found them flat, flabby, and pendulous, without the least appearance of an areolá around the nipple; and had known, also, that she had formerly had full and firm breasts; he would still have maintained that she had reached an advanced period of pregnancy? The areola, or brown circle, around the nipples, has generally, by men of experience, been considered as a certain and universal concomitant of pregnancy; Dr. Denman says it is general, though he thinks not universal. Why does he think so? Not from his own experience; because if he had ever seen such a case, he would have said, without any qualification, that it was not universal. But in this case there was no brown circle around the nipples: as that circle cannot exist in the manner supposed, except when the

mammæ are enlarged beyond the state in which they were before impregnation.*

One universal attendant of advanced pregnancy was absent in this case. Had the gentlemen who opened the body only taken the trouble to have looked at the mammæ, (and who, in a case of supposed pregnancy, would have omitted it?) they would have found sufficient reason to have abated a good deal of that confidence with which they delivered their sentiments upon this subject.

Mr. Clarke is the only one of the London Practitioners who comes to the point at issue between me and the authors of the "Vindication." This gentleman says, "I have examined Uteri after the death of patients lately delivered, in whom there was no hæmorrhage, which, however, have been contracted to no greater degree than the Uterus which is in the possession of Mr. Hay." Mr. Clarke observes also, "that there is an appearance in one of the ovaries, which never is seen except in an impregnated, or lately impregnated Uterus." Now, I have already shewn that the first part of this assertion is erroneous; for that the appearance, meaning a corpus luteum, in the ovaries

* Denman's Introduction to Midwifery.

may, and does exist in the Uteri of virgins. The second part of the assertion, "impregnated, or lately impregnated Uterus," is in contradiction to the united testimony of those even who believe in the doctrine of corpora lutea; for these are supposed to remain for life, and by no means to indicate a late or remote pregnancy. When a man, to support a certain cause, is found, in the compass of a few lines, to be the author of two assertions which are not well founded, what confidence can be reposed in any assertion he may make in the same cause? especially if that assertion be in the nature of things altogether improbable. Besides, Mr. Clarke has not mentioned whether in these cases the children had been dead, or not, long before birth. Nor has he stated the diseases of which the women died. There might have existed such an organic affection of the Uterus, or of the parts about it, as to have destroyed in a great measure the permeability of the arteries of the womb, or of the trunks from which they had ramified. Any argument drawn from such cases would not apply to the present question.

At this remote situation, we are disposed to consider the Practitioners in London as a different species of mortals, possessing a certain degree of infallibility. This has arisen chiefly from the report

of the pupils who issue annually from their classes. These Tyroes, having just emerged from the shop of the Apothecary, with no other knowledge than that of gallipots and pills; after attending the London lecturers for a few months, come forth finished Surgeons and Accoucheurs; and exercise their skill upon the lives and the limbs of their fellow creatures, with a confidence that can be equalled only by their ignorance. As admiration is the natural growth of an ill-informed mind; they are astonished at the display of things they do not comprehend; consider the rudiments of knowledge, as a wonderful proficiency; and regard their masters as the wisest of men. I must confess that I have the misfortune to look upon the London Practitioners as fallible, like other men; and even to suspect, from the bustle of one kind or another, in which those of any reputation are engaged, leaving little time to be employed in study, that they are below the common average of the profession.

But the morality of these gentlemen has, on this occasion, been even worse than the exercise of their authority was presumptuous. They must have been aware of the purpose for which their opinions were obtained; namely, to establish the reputation and interests of a set of men, upon the ruins of those of an individual, who, were he known to

them, might appear to possess as strong claims to their protection as the persons whose cause they have thus unfeelingly abetted in prejudice to him. After reviewing this transaction, a person would be almost disposed to suspect that the reputation of a pupil and the credit of a particular school of medicine, had had too great a share on their conduct.

It seems that the spirit of persecution in matters of opinion, prevails with as much force and intolerance in the minds of some men, even in these enlightened days, as it ever did in the days of Tycho Brache or Gallileo; and that it is owing to the mild equity of our laws, not to the candour and liberality of some minds, that freedom of opinion, even in matters of science, is not suppressed. Finding that my sentiments were fast gaining ground among the enlightened part of the community, my adversaries became alarmed; and knowing themselves unequal to the contest, they have had recourse to their London associates to prop a declining cause. But the benefit of this device can only be momentary—this feeble last resource will be as ineffectual as it is disgraceful to them and their London friends.

Magna est veritas et prævalebit.

With respect to the gentlemen of this town who have entered into a combination, whose certain tendency and only assignable purpose are to ruin my medical reputation, I must be permitted to be a little more particular. When a man publishes his opinions upon any subject, criticism has only to do with these opinions; and the author, except so far as he is concerned in them, is out of the question. But the case is very different when a man, or a body of men, lend the authority of their names in confirmation of a doctrine. It then becomes the province of criticism, in order to prevent any imposition on the public, to inquire into the value of that authority. This is peculiarly requisite, if the interest of any person is likely to be injured by this authority passing for more than it is worth. The public are also concerned in the examination, as impositions of this kind are most injurious to the best interests of society. It becomes my right and my duty to estimate the qualifications of those gentlemen, who, either by the joint subscription of their names, or by separate letters, have constituted themselves the public censors of my sentiments. What can these gentlemen have in view by this conduct? Do they hope to proscribe the judgment of the public, or expect that a reverence for their names will terrify the world into an assent to their opinions, without an

examination of the grounds of them? Are these Liverpool accoucheurs so noted in the world as to give them reason to look for such an obsequious obedience to their authority? On the contrary, in all this large collection of Liverpool Physicians, Surgeons, Apothecaries, Accoucheurs and common Dentists, is there a single name that is known to literature or science? Forbid it, Heaven, that literature or science, or any thing that is esteemed good, honorable, or praiseworthy, should have any connection with such an association.—We can only judge of the qualifications of men of science and literature by their published performances. The value of the authority of these gentlemen must be derived from those specimens of their talents which they have laid before the public. But excepting in one unimportant instance, I do not know of any such specimens. I have never heard that a discovery of the least value has ever been made by one of them; that any obscure point has been elucidated, or that any thing has ever been added by any of them to the general stock of human knowledge.

Success and local reputation, as a physician, it is well known, are by no means the criteria of real merit, or of profound medical skill. They are not unfrequently the produce of very

different qualifications with which the manly independence of the scholar, the unpresuming simplicity of the scientific mind, or true liberality and nobleness of heart, cannot easily coalesce. They are often the fruit of an assiduous attention and fawning submission to the great; of dark attacks upon the reputation, and of well timed insinuations against the skill, of a rival; and of a successful study and dexterous management of the characters constituting the community in which the physician resides.

I am told that some persons, who have been persuaded to join in this persecution, have maintained that they did not intend, by it, any injury to me; but that they only meant to express their inoffensive opinions on a particular subject. Is it possible that any man can be so weak as either to be deceived himself or attempt to deceive others by such contemptible sophistry? The effect so far as their authority can go, must have appeared to them evident; and, having known the consequences, are they not responsible for the means which, with such a knowledge, they employ? By a premature avowal of their sentiments, they have deviated from that honorable impartiality which is due to any member of the profession in the differences that may arise between him and any other

member of it. Instead of waiting to assume the honorable character of judges, they have become parties to a cause that did not concern them. What object, I would ask, could be gained by this premature avowal of their sentiments? Certainly not the attainment of truth which could not be influenced by opinions nor signatures, and which remains exactly where it was before. Whatever covering may be attempted to be thrown over this scheme, the purpose of the framers of it is plain; it was to induce all the medical men in Liverpool to become a party against me; to place them in a situation of such hostility to me, that honour would prevent me, in future, from having any friendly intercourse with them, and thus to leave me alone, as it were, in the profession. The zeal and activity which my opponents have shewn, and the artful lures, adapted to different dispositions, which they have thrown out, to increase the number of their adherents, have been remarkable. They have deceived the simplicity of some, by convincing them that they did not intend any thing hostile to me; they have inflamed the patriotism of others, by insinuating that it was a public question, a matter of legislative importance, involving the laws of medical testimony, which they assert I had violated; they have awakened the fears of many by suggesting, both directly and through

the mediation of friends, that if they did not make a public declaration of their opinions against me they would share in the unpopularity of my doctrines. The power of my antagonists has, no doubt, had its influence; for since the trial took place, Dr. Gerard has been exalted to the dignified situation of Mayor of Liverpool. Several of those who have engaged with activity in this persecution, bore me, of old, a deadly grudge. They remember the signal victory I obtained over them at the dispensary. They recollect that I detected their illiberal plans, and exposed them to the indignation of the public. They have suppressed, till now, their ill-disguised resentment; but, falsely thinking that I was laid low, they have seized this favourable opportunity of annoyance; and, imitating an illustrious kindred example, have approached and aimed at me a dastardly blow. Others had been consulted upon the case from the beginning; and, as is well known, had given an opinion conformable to that supported by the authors of the "Vindication." It is well known that there are certain medical characters in this town, who consider any opposition to their sentiments as more heinous than treason—as an offence never to be forgiven.

Though, indeed it is mortifying to think that any person belonging to a liberal profession, could

be found to degrade his character so much as to become the creature of influence, the tool of party, the instrument of injustice; yet, considering the imperfections of human nature, and the powerful motives that have been held out to it; it is, upon the whole, honourable to the profession of Liverpool, that after every exertion, the collection of authorities has been so small; for the design has been discovered and condemned by more than two thirds of the medical gentlemen in this town; and, considering the nature of the association, it is needless to add, by far the most respectable in virtues and in talents.

The opinions given by some of the gentlemen in this town require a more particular consideration. I have, indeed, been much entertained and instructed by the long account given by Mr. Dawson of the placental mark. It is certainly a very minute and learned description, exhibiting many proofs of great research, as the very language of several authors, who have written upon the subject, has been copied into it. Indeed it is a master piece, and the only fault it possesses, which, indeed, I am far from considering as a fault, is, that not one word of it applies to the womb in question. I have also seen the womb lately extracted by Mr. Dawson, which he says exactly resembles

that in the possession of Mr. Hay. Here, also, the effects of a warm imagination are perceptible. At the time when the womb, in Mr. Dawson's possession, was extracted from the body, according to the report of Mr. Graham, an old surgeon who was present, it was about the size of the closed hand, had a firm consistent feel like that of the heart of an animal newly killed, and that the little cavity it possessed was filled with clotted blood. The placental mark, on the surface of this womb, so far from shewing any resemblance to the rough mark in the bottom of the womb in possession of Mr. Hay, confirmed me in the belief that they could not have been occasioned by the same cause, and that the former was only the occasional natural appearance of that part of the womb in a state of dilatation from any cause. Mr. Dawson is a most obliging young man, and very convenient for supplying appropriate cases to those who may be in want of them. I remember when Mr. Park, more than a year ago, read a paper upon the retroversion of the Uterus, at the library; Mr. Dawson, who has never, as I understand, had much practice in midwifery, because, forsooth, he is a very young man and a gallant batchelor, had the good fortune to have seen no less than five cases, all tending to confirm the theory of Mr. Park; while the oldest practitioner in town had never seen more than one

or two. If the good fortune of Mr. Dawson continues, with what an assemblage of wonders will his head at length be stored! This town appears indeed, to be most excellently adapted for the residence of those who wish to publish upon medical subjects. They need only mention what facts and cases they want, with all the particulars, and they will be soon supplied with abundance to their mind, on good authority. Many of the young surgeons, particularly Mr. Dawson and Mr. Christian, have them ready made, or nearly so, requiring only some slight touches, like pigeon-hole constitutions, adapted to all occasions.

Dr. Traill, another very young man, would, it appears, be found no less useful than either of the two gentlemen I have mentioned. This gentleman has seen a human Uterus, in the progressive stages of pregnancy, as he at one period practised midwifery. We are not informed upon what extensive theatre this practice was exhibited. But there certainly must have been an uncommon mortality among the women who fell under his charge. They seem to have died for the purpose of giving him a view of their wombs, and enabling him to write this letter to his friend Dr. Bostock.

It is worthy of remark that the greatest number of the medical gentlemen of this town, whose letters to the authors of the "Vindication" have been published, had never seen the womb until the date of these letters. They confessedly went on purpose, and in all probability carried these letters, already written, in their pockets. It will appear from the date of these opinions, that none of these gentlemen had made any communication on the subject, until after the reception of the opinions of the London practitioners, whose sentiments and even language they have frequently adopted. This transaction admirably confirms the opinion which the illustrious Cullen entertained of the generality of medical practitioners, and which he has so happily expressed in the sentence which I have used for a motto, denominating them *Imitatorum servum pecus.* It is curious to trace the channels through which the influence has run, for the purpose of obtaining those authorities; Mr. Shaw has been induced to go and examine the womb, in consequence of a conversation with Dr. Lewin; Mr. Hay has procured the learned letter from his friend and colleague Mr. Dawson; Dr. Traill's valuable communication has been obtained through the influence of his friend Dr. Bostock. These letters exhibit internal proofs of a conspiracy. The plan has been well contrived

by the prime movers of the machine; every man has been appointed to influence his friend; concealment of purpose has been combined with speedy execution, the two great characteristics of well conducted enterprises. But, as often happens in such cases, some one, from imprudence, excess of zeal, or treachery, discloses something which serves to elucidate the whole design; so, in this case, the hostile intentions of my opponents have been fully revealed by one of themselves, as will appear by the following correspondence. Having understood that Dr. Brandreth had, upon several occasions, since my return from Lancaster, accused me of having, in one instance in which he was consulted along with me, shewn proofs of gross professional ignorance; and having further learned that the doctor had expressed his intentions of making no secret of this in future, I wrote to that gentlemen a letter, of which the following is a copy.

TO DR. BRANDRETH.

Liverpool, 18*th Oct.* 1808.

Sir,

I have, from various quarters, been informed that you have lately indulged yourself in a very unbecoming freedom of remark respecting me; and, in particular, that you have said, that in a

case which you attended along with me, connected with the uterus, I had shewn great ignorance, and recommended a very improper treatment, or words to that effect. I am disposed to suppose, that there is some mistake in all this; for I have had of late, sufficient occasion to know how false rumour is; and cannot, upon slight grounds, be induced to believe that a man could disgrace a liberal profession, by so unfounded, unprofessional, and ungentlemanly an assertion. You are, I know, sufficiently sensible of the influence you possess in this town, to be aware that the report of such an assertion having proceeded from you, must be highly injurious to my interests. You cannot, therefore, consider it unreasonable that I should require of you to state the case and the error I had committed, or afford me the means of contradicting so scandalous a report, equally injurious to your character and to mine.

I am, Sir,

Your most obedt. Servt.

JAMES CARSON.

To which the following answer was almost immediately returned.

TO DR. CARSON.

SIR,

Since a transaction in a business that has afforded great surprise to any well-informed medical man that I know, in which you have been conspicuous, I have, I believe, more than once said I had been consulted in a case of pregnancy in which you were concerned, and that on this occasion you appeared both to myself and Mr. Park wholly unacquainted with the subject. I do not recollect I have ever mentioned this opinion, except in the presence of Mr. Park, who has uniformly expressed the same.

I am, Sir, Your's,

J. BRANDRETH.

I then wrote letters, of which the following are copies, to Dr. Brandreth and Mr. Park:

TO DR. BRANDRETH.

Seel-street, 18*th Oct.* 1808.

SIR,

I have been favoured with your note, which has fully satisfied me respecting the correctness of the reports which I had heard. But I have to require that you will further satisfy me respecting the time and the occasion at which I exhibited those proofs of professional ignorance, with which,

according to your own acknowledgment, you have repeatedly charged me in my absence, and that you will also state the reasons which induced you and Mr. Park to consider me so ignorant.

I am, Sir,

Your most obedient servant,

JAS. CARSON

To Mr. PARK.

Seel-street, 18th Oct. 1808.

Sir,

Having been informed that Dr. Brandreth had, upon several occasions, charged me in my absence with gross ignorance, in a case of pregnancy, in which also he had been concerned, I applied this morning to Dr. Brandreth respecting this report, and have been honoured with an answer from that gentleman, of which the following is a copy :

(Here Dr. Brandreth's letter was copied.)

It appears that you also were concerned in this case, and that you have joined with Dr. Brandreth in accusing me of gross ignorance. I have to request, therefore, that you will state the time and the occasion at which I exhibited those proofs of

ignorance, and also the reasons which induced you and Dr. Brandreth to consider me so ignorant.

I am, Sir,

Your most obedient servant,

JAS. CARSON.

From Dr. Brandreth I have received no answer to my second letter. The day following, the 19th October, I was honoured with the following letter from Mr. Park :

To Dr. CARSON.

Bold-street, 19th Oct. 1808.

Sir,

The only case I know that you can allude to, is that of Mrs. ———, whom you know I saw once, and but once, for ————————. In this it appeared both to Dr. Brandreth and myself, that Midwifery was a branch of science with which you appeared to be very little acquainted. I do not now recollect the particular circumstance on which that idea was founded. This opinion we mutually expressed to each other, but not (to my knowledge) to any other person whatever till a late occasion, on which I most cordially declare your conduct met my decided disapprobation, as well as that of almost every professional man I know.—Since that I confess I have more than once

expressed my surprise at the opinions delivered by one who had never practised; and who, when he first settled in Liverpool, appeared to me little acquainted with that branch of science.

I am, &c. Your's,

H. PARK.

The case of which Mr. Park speaks, occurred, I think, upwards of four years ago. It was a case of hæmorrhage, previous to abortion, in the third month of pregnancy. I had seen the lady several times before any of these gentlemen had. My prescriptions were a moderate dose of the oleum Ricini, and a very diluted solution of the sulphuric acid, together with open windows and the recumbent posture. The lady was seized with faintings. I became alarmed. My friend, Dr. Currie, whose memory I shall ever cherish with the warmest affection, and whom I was accustomed to consult, had that day gone on a journey to Scotland, for the recovery of his health. Had this great and good man been now alive, this tribe of Liverpool practitioners in medicine, would not have dared to have conducted themselves towards me, with the injustice they have done. They know that he would have afforded me the mighty protection of his arm; at the view of which, they would have shrunk dismayed into their original nothingness;

like the infant child into the bosom of its mother; scared by the burnished shield and towering helmet of Hector.—In the absence of Dr. Currie, I introduced Dr. Brandreth into the family. Infusion of roses was prescribed, instead of the weak solution of the acid; and magnesia, in case the oil should fail. The lady recovered soon, without, I believe, taking any thing more, except a little magnesia. In what particulars I betrayed complete ignorance of the case, I do not know; Dr. Brandreth refuses to tell, and Mr. Park does not remember. I was perhaps more alarmed, than the urgency of the case required; for, from esteem and friendship, I was much interested in the fate of the lady. At that stage of my practice, too, I was fearful of the consequences of the responsibility of such a case, resting upon me alone. The anxiety which I shewed, arising from these causes, might, perhaps, have been considered by these gentlemen, as the indications of embarrassment, proceeding from ignorance. But if I, a young Physician, had, to their experienced eyes, shewn any ignorance, (and who in the wide field of medical practice has not to accuse himself of having been often ignorant?) ought not these gentlemen, at the time, to have pointed out to me my error, and aided my inquiries for better information? Their language to me then was the language of approbation. Four

years have elapsed without any mention of my ignorance. At a time when the current of popular opinion, springing from errors which they themselves had defended, ran strong against me; these gentlemen, with a skill of which they appear to be complete masters; have seized this favourable opportunity; have assailed me behind my back, and inflicted a severe but dastardly wound. The charge of professional ignorance against a young Physician, from men of high professional character, is an aggravated offence. The robber who enters my house and plunders me of all my goods, is indulgent—is merciful, and does me a trifling injury, in comparison to the robbery which these men have conspired to make of my reputation. It might have been expected that their station in life, and a respect to the character they had to support, would have raised them above such calumny; but this is a proof that has occured to me, among many others, that neither wealth, nor station, nor opportunities of refinement, can ever completely correct the natural deformity of a low, selfish, and illiterate mind. It is easy for Dr. Brandreth to say, that such a man is ignorant; that he has completely mistaken the case; and such insinuations may have their intended effect among the ignorant and the vulgar, rich and poor. It might be easy, in certain communities, for any man to gain a reputation by such

means, provided he could steel his breast against all the generous and honourable feelings of our nature. Let wealth be the portion of those who can stoop to gain it by such arts; for my part I would rather eat the bread of poverty, and what would be more poignant to my feelings; see my wife and infant children eat it, than purchase the world by following the example of these gentlemen in this case. Perhaps the time is not far distant when the world will be disposed to give me as much credit even for medical knowledge, as it ever did to Mr. Park or Dr. Brandreth. Literature and science have been the business and delight of my life. These afford the riches after which my mind aspires. The love of an honest fame has ever glowed in my breast, and though my ardour may have been for a time suppressed by the anxieties that have attended a long and arduous struggle for independence, yet the phantoms of future distinction will occasionally appear on the distant hills, and dispel the gloom by which the horizon of my life has been so frequently overcast.

Mr. Park, in his letter, does not say whether he has joined with Dr. Brandreth in accusing me publicly of professional ignorance, nor does he deny it. To the practice of Midwifery I never

made any pretensions. I have publicly avowed my ignorance of it. I have exercised no deception on that head. But is it to be inferred from that circumstance, that I should be ignorant of the appearances, structure, mechanism, Physiology and Pathology of the womb? As well might it be concluded, that because I am not a practical Dentist, I should, therefore, be ignorant of the structure of the teeth; or because I am not an Oculist, I should not be acquainted with the beautiful and complicated fabric of the eye, or with the laws of vision. Very different qualifications are requisite for the due consideration of the important subject in question, from the actual exercise of midwifery as an art.

But are these gentlemen, who build so much upon their experience, as infallible, even in cases connected with the womb, as they would wish themselves to be considered? Do they remember the case of Mrs. ———? As people generally have short memories in such instances, I will endeavour to recal the particulars of this business to their recollection. This poor unfortunate woman applied to the Dispensary more than two years ago, principally, I believe, with a view to have it ascertained whether she was with-child or not; for though she grew large, she did not find herself

affected in the manner she used to be in former pregnancies. Mr. Christian, whose patient she became, first, I believe, conceived it to be a case of extro-uterine fœtation, and was confirmed in his opinion by the concurrence of Dr. Lyon and Mr. Park; who, after the most deliberate examination, pronounced it to be a case of which there could be no doubt; one having felt the feet and the toes; another the ribs, and so forth of the child. An affair so wonderful not only attracted the attention of all the medical gentlemen in this town, but the noise of it spread over the kingdom, the expectation of the medical world was fixed upon the event. *Parturiunt montes.* In the mean time, the child grew apace; and the mother had advanced into the tenth month of pregnancy. As the child did not point to any particular place, and as no signs appeared of its making a way for itself through the parietes of the abdomen; it was proposed and at length determined to relieve the mother from the burden by an operation. Meanwhile, however, the poor woman, who had been sinking for some time, died; and thus the character of the medical attendants was saved; and a horrid tragedy prevented. For, a few days after death, the body was opened in the Infirmary, in the presence of a great number of the faculty, when lo, instead of a child, an immense schir-

rous ovarium was found! I went home from this dissection, not certainly with feelings of the most comfortable kind, being stung with self condemning thoughts, for having made so complete a surrender of my judgement to the authority of others; for I had, like almost every medical gentleman in the town, once seen the woman in her lifetime, but had never examined her. Though in this case the child grew rapidly, and had attained a great size, yet the mother never felt it give the least movement; notwithstanding that in all the cases that have occurred of this kind, in which the child had reached any considerable size, the motions were more painfully perceptible than in the ordinary pregnancy. The breasts, too, were very flat and pendulous, without any mark of an areola around the nipple; but it appears that the state of the breasts, which used to be examined formerly for the purpose of ascertaining a present or recent pregnancy, are considered now too vulgar a concern to be thought worthy of notice by the wise Accoucheurs of Liverpool.

I would ask, then, in the name of truth, if men could err so egregiously in so plain a case; of what value ought their authority to be deemed in the present case, which, in the opinion of all candid thinking men must be considered of great

intricacy, and upon any supposition, beset with almost insurmountable difficulties ?

I was not interrogated respecting the cause of Miss Burns's death. The causes of sudden death are so numerous, and arise from such a diversity of incidents in our frames, and in this case are so completely indiscoverable, on account of the most disgracefully deficient dissection ever made, and on which any legal proceedings were attempted to be founded, that it would almost appear presumption in any man who had not carefully watched the symptoms, to form even a conjecture about them. Taking into consideration, however, the imperfectly described symptoms, and the position in which she died, I will venture to state what appears to me the most probable conjecture. I consider it purely accidental, and little connected with the disease with which she was affected, and which seems to have been in a great measure removed. The danger of a sudden transition from the recumbent to the erect posture in cases of debility, especially from the affections of the alimentary canal, as in a cholera morbus, dysentery, and putrid fevers, is well known. Intending to have gone for certain purposes into another room, Miss Burns, at the time she had reached the parlour door, began to feel the frequent effects of an

erect posture, a deficient supply of blood to the head, and a diminished action in the brain; finding herself going, she laid hold of the corner of the room and fell against it. She unfortunately did not fall upon the floor, but the head and upper part of the body were supported in the erect position against the corner of the room. The faint was prolonged by the same cause which had occasioned it, the erect position of the head, and terminated in death. My esteemed friend Mr. Thomson, formerly Deputy Inspector of Hospitals in this District, and my superior; now head of the medical staff to the gallant armies in Portugal, informed me that, in the West Indies, where he had long been Staff Surgeon, soldiers who had been affected with fevers and fluxes, were frequently found unexpectedly dead, sitting upon their close stools. The explanation which this sage experienced officer gave of this event, the same which I have now related, made a deep impression on my mind. The reason that feeble exhausted persons do not more frequently die of faints is, that the disease proves generally its own cure, by bringing the person to the ground; for by the recumbent posture, the force of the circulation is restored to the head, the energy of the brain excited, and life renewed.

I have been accused by the authors of the "Vindication" of not having acted with professional openness and candour towards them by concealing my intentions and opinions. This charge they have endeavoured to support by connecting together detached parts of private conversations. But this, like all other charges of actions not consistent with the strictest honour and rectitude that have been advanced against me, will be found totally unfounded. My sentiments on the case in question were well known to many of my friends and could not be unknown to some of the authors of the "Vindication" some time before I left Liverpool. When I first accidentally saw the womb, (for having dined one day at Mr. Reay's in company with his partner Mr. Hay, I was asked after dinner if I had any curiosity to see the stomach and the uterus of Miss Burns) I was struck with its large and bag-like form, and having put some questions about hæmorrhage, a doubt arose in my mind respecting its having parted with a child; and from the manner in which I argued the subject with these gentlemen at that time they must have been convinced that I entertained doubts respecting it. One Sunday, some weeks before the trial, I do not recollect whether I had then been served with a subpœna or not, I met Mr. Hay and Mr. Reay at the apothecary's of the Infirmary.

The poisoning of animals for the purpose of ascertaining the action of different poisons became the subject of our conversation. I expressly said that a hole of any considerable magnitude could not be directly produced during life by poison; and I appeal to Mr. Reay, Mr. Gresly, and Mr. Thompson, the nephew of the Inspector, who accompanied me, for the truth of the assertion. I observed that since they were in the way of killing animals I would be obliged to Mr. Hay if he would open the thorax of some of them in a way I would explain to him, as I was then engaged in investigating the causes of the motion of the blood; and my attempts to elucidate this obscure but most important part of the constitution of animal life, will perhaps soon be laid before the public. He replied that he would with pleasure give me every assistance in his power but that for reasons which would occur to myself, I could not be permitted to witness these experiments. Did this conversation shew any desire of concealment on my part, or a disposition to communicate on the part of Mr. Hay. On another occasion, I told Mr. Hay that I was of opinion that Miss Burns did not die of poison. Mr. Hay said that if that was my opinion I must be ignorant of the case. But Mr. Hay never attempted to remove my ignorance. On the Friday, I think, before the trial, two days before I left Liverpool,

when it was generally known that I had been subpœnaed on the part of the defence, and that I had entertained opinions different from the medical witnesses of the crown, I met Mr. Hay, who, after the usual salutation said, "Well, I understand that we are to be sweated by you and Dr. Campbell at Lancaster." I replied that I was certainly going to Lancaster, and expected to meet Dr. Campbell and some other medical gentlemen, in consultation on this case. Mr. Hay, asked if I knew, as was reported, that some London anatomist was expected to be there; for they seemed always to be alarmed about some terrible man from London. I replied I did not know. At parting, I said, "Well, Hay, we shall meet again at *Philippi*." On the Wednesday before the trial, as I came out of the Crown court I found Mr. Will. Statham, the solicitor for the prosecution, Dr. Gerard, Dr. Bostock, and, I think, Mr. and Mrs. Lawson, in the passage, waiting, as I supposed, to be called in, to give evidence before the Grand Jury. Mr. Statham said, "Dr. Carson, we are alarmed to see you here." "No," I replied, "I am sure you can never be alarmed at the discovery of truth." "God forbid," said Mr. Statham, "I wish you could be of any service to him; it is an unpleasant business for all concerned." He mentioned these words with a feeling that did honour to his heart; at parting, I said, "we

came all here for the same purpose, the discovery of truth." Dr. Gerard and Dr. Bostock were both present at this conversation; they said nothing; but I observed the contemptuous smile that played upon the countenances of these gentlemen. On the same day, I think, I met Mr. Hay walking along the Castle wall. After some talking, Mr. Hay observed, that if I had not prepared myself I might make an awkward appearance, or words to that purpose. "Appearance!" said I, "I do not know for what purpose I am brought here," meaning, and Mr. Hay could not have misunderstood my meaning; that I did not know that I should be required to make any appearance in court. My answer was short, because, I felt hurt at the impertinence of the observation about awkward appearance. Mr. Hay asked me, where I lodged, was informed, and promised to call upon me that evening; but though I waited in the whole evening on purpose, Mr. Hay never called, either that evening or the next day. As Mr. Hay appears, through the whole of this business, to have acted, not from his own opinion, but, in consequence of consultations with his colleagues, I suppose that it was in these consultations deemed adviseable that Mr. Hay should not visit me, lest, perhaps, he should be too communicative. Now, if there could be any advantage obtained by the communication of

our sentiments, or if it even could be done without forfeiting duty, of which I am doubtful, was it not the part of these gentlemen to make up to me, as well as mine to make up to them? They knew that my opinions differed from theirs, at least on the question of poison, as well as I knew that theirs differed from mine. But the fact is, they were too confident in their own powers and wisdom, to think, that what they had to advance, after so many months study, could be shaken by any thing that could be said by me, or any other person. They certainly all knew that Dr. Campbell was subpœnaed on the defence, why did they not propose a communication with that gentleman?

The authors of the "Vindication" have connected a garbled part of a private conversation between Mr. Hay and me, with another garbled part of a private conversation between Mr. M'Culloch and me, at Liverpool, previous to the trial, for the purpose of proving that I had acted with deceit in the case. They have inserted this very imperfectly stated part of a conversation between Mr. M'Culloch and me for more purposes than one. It was understood that that very intelligent Practitioner entertained sentiments different from theirs on the subject of pregnancy. They wished,

therefore, by one means or another, to let it be publicly known that this gentleman was on their side of the question, as the town has justly much reliance on that practitioner's sentiments in every thing that respects Midwifery. But I am happy that any part of this conversation has been mentioned, as it enables me, without violating my honour by stating a private confidential conversation, to communicate the whole. For some time before I left Liverpool, I had attended both Mr. M'Culloch's patients and himself; for he had had a very severe and dangerous illness. The day before I set out for Lancaster, when he was in a state of convalescence, and able to sit up in bed, I told him that I was under the necessity of delivering up my charge; that I had been subpœnaed to go to Lancaster on the trial of Mr. Angus; and that so far as I had been informed of the case, my opinions differed from those of the gentlemen who opened the body. I said that that hole, meaning the hole in Miss Burns's stomach, was never occasioned by poison; that I was even doubtful whether she had had a child, observing, that I understood there was little or no flooding.—Mr. M'Culloch, without allowing me to explain my sentiments fully, said I was certainly misinformed, for that woman must necessarily have flooded to death; that it was impossible it could be otherwise, con-

sidering the uncontracted state in which the womb was; for that he had known women flood to death when the contraction was one-half greater than in this case. I said I was glad to hear these sentiments from him, and to find that the result of my reasoning, founded on the established principles of our constitutions, agreed so exactly with his experience. I then observed, that if she did not die of a flooding, did it not follow, that she could not have had a child? Mr. M'Culloch would not allow of any other supposition but that she had had a child, and must have flooded to death.—He at that time did not mention any thing respecting the delivery of a child that had been long dead, nor for some weeks after my return from the trial.—It having again been urged that, if she had not flooded violently until she died, or if the vessels had not been plugged up by coagula, it appeared to me to follow from his reasoning, that she could not have been pregnant; he then said "How can you account for the appearances of the womb on any other supposition?" I replied, that that was not absolutely necessary, we were often able to disprove the supposed causes of an appearance, without being able to substitute the real causes in their place; but I observed, that, as he well knew, there were many causes besides pregnancy of distending the womb; as steatoms, moles, dropsies, and tympanitic

affections. He then said that he had had two cases of Hydatic dropsy, which had brought on pains exactly resembling labour pains; and that, in his opinion, these were the most likely after pregnancy, to have distended the womb and os uteri. It was upon this suggestion of Mr. M'Culloch's, in a great measure, that I fixed upon Hydatids as the most probable cause of the distention of the womb and dilatation of its mouth, independent of pregnancy and the delivery of a child, when questioned upon that head by the Counsel. It is fair to add, that Mr. M'Culloch still maintained the opinion that she had been delivered of a child, and that, of consequence, she had necessarily flooded to death.*

Now, I would ask any reasonable man, wherein do the sentiments which I supported in evidence differ from those of Mr. M'Culloch? I only pursued the argument one step further. If his opinion, namely, that she must certainly have flooded

* Mr. M'Culloch has seen this statement, and acknowledges it to be in substance what passed between him and me, before my departure for Lancaster. I understand, Mr. M. still maintains that Miss Burns must either have died of a flooding, or parted with a child that had been some time dead in the womb. Mr. M. had seen the womb soon after its extraction from the body.

to death if she had been delivered of a child, be true; then it will follow, that if she did not flood to death, she certainly could not have been delivered of a child. If any proposition be true the converse of that proposition must also be true. If twice two make four, with the same certainty will four make twice two. Although my deductions from the consideration of the structure, mechanism and physiology of the womb appeared to my mind conclusive and certain; I, nevertheless, must confess that their conformity to the experience of Mr. M'Culloch enabled me to support them with a confidence which otherwise I should not have possessed. Any man who is acquainted with the vigorous and clear judgement of this gentleman; and knows how completely his powers have, for more than twenty years, been devoted to his professional duties, will consider me justified in placing great reliance on his opinion.

I cannot pass unnoticed the very dishonourable and unmanly attempt which the authors of the "Vindication" have made to injure my character, by hunting after my private confidential conversations, and by the unfair use of those which they have so scandalously obtained. A system of espionnage, such only as could have been supposed to exist under the suspicious tyranny of a Robespiere,

seems to have fixed its cankering roots in the fair fields of Britain.

But I would ask my opponents, even though we had made a communication of our sentiments, what end could have been served by it? Do they suppose that by their giving up something, and me something, we should have come to something like an agreement in opinion? The idea is as absurd as it is unprincipled. Such a shaping and pairing of opinions does not at all correspond with my ideas of morality, in a case where an oath is concerned. I certainly think that I should be offering an insult to the understanding and virtue of any man, were I to make such a degrading proposition to him. And any proposal that I should swear somewhat differently from the convictions of my mind, in order that there might not appear any difference of opinion among us, would be regarded by me as equal to the most opprobrious appellation, and would certainly imply a belief on the part of the proposer, that I was capable of the most dishonest actions.

Besides, I do not think it at all allowable for a witness to communicate his knowledge and opinions to the witnesses of the opposite party. From the time that a man is subpœnaed to give evidence upon any case, he is bound by honour

and jnstice to avoid all communications that may defeat the effect of that evidence. This is especially necessary and right in cases where the interests and character of the witnesses are in any respect connected with the success of their evidence, or with the establishment of the opinions they are known to have adopted.

But it is said that the ends of justice may, in such cases, be always defeated; that, as the Judge and the Jury cannot be supposed to be fully informed on medical subjects, any difference of opinion between the medical witnesses must necessarily confound and deceive. But if there is any evil consequence likely to arise from this, that evil proceeds from the constitution of the court, not from the nature of the evidence. These gentlemen reflect upon the qualifications of the Judge and the Jury for discharging the duties of their situation. They libel their character, and accuse them of not being able to estimate the evidence that may be brought before them. The doctrine, that the witnesses of simple facts and of plain deductions from these facts, should take a greater range, connect these opinions and facts with circumstances, and constitute themselves, in a manner, judges, is dangerous in the extreme, and deserves the strongest reprobation. It cer-

tainly is a most arbitrary idea, and one most inconsistent with the principles of justice, (particularly with the humane spirit of the British laws) to maintain, that a man on his trial for life, should be deprived of the benefit of such witnesses as he may suppose, from their knowledge of the truth, may be serviceable to him. The proposition cannot be too much execrated. Were it acted upon in any case, it would afford a precedent that would lead to the overthrow of all those barriers by which our liberties and lives are protected, and put it in the power of any set of men, by forming a conspiracy, to destroy the property, character, liberty, and even life, of any man. If, in trials depending principally on medical evidence, any evil exist, (which I am far from supposing to be the case) it consists in the constitution of the Court. In trials respecting naval and military transactions,—transactions far removed from the ordinary occurrences of life, the Judges are naval and military men. The doctrine of the authors of the "Vindication" would lead to this, that, in such cases as the present, the Jury should be practitioners in medicine. But men of plain understandings, even in matters with which they are not fully acquainted, can easily discover whose evidence is plain and consistent, and whose is shifting and contradictory. Accordingly, we do not find

that, where the medical evidence has been opposite, the result has always been the acquittal of the Prisoner. In the memorable trial of Captain Donellan, for the murder of Sir Theodosius Boughton, the celebrated Mr. John Hunter, who had never seen the body of Sir Theodosius, contradicted the medical evidences for the crown; nevertheless, Captain Donellan was executed. Notwithstanding this diversity of sentiment, no blame was ever thrown upon Mr. Hunter, nor on the witnesses on the part of the prosecution. They were all supposed to have declared the honest sentiments of their minds on subjects upon which men might honourably differ. Alberti differed from Bonhius, and Boerhaave from Techmeyer, on cases upon which there were judicial proceedings. But not only have individuals entertained different sentiments on such cases, without any opprobrium to either, even colleges have done so. We find in Zittman, that a wound in the stomach was judged of its own nature *mortal*, by the faculty of medicine at Leipsic, and *not mortal* by those of Helmstadt and Wirtemberg. Valentini mentions, that a wound in the same part was declared *accidentally* mortal by the faculty of Giessen, and *absolutely* mortal by the College of Physicians at Frankfort.

There is one part of my evidence, to which, though it does not exactly come into the present inquiry, I trust I shall be excused for alluding, as an advantage has been taken of it for the purpose of detracting from my professional character. I was asked by Serjeant Cockell whether I had been bred to medicine. I replied that I had not, meaning that medicine was not the original destination of my life. Attempts have been made from this, to impress upon the town the belief that I was a self-taught doctor, and that I had, some how or other, obtained one of the St. Andrews, or God knows whence, degrees, which adorn the names of so many of my opponents. The truth is, I was regularly educated to be a Physician at Edinburgh, where I studied almost without interruption, during the long period of eleven years. I do not mention this with a view to arrogate any thing to myself on that account, as I know well that the attainments of men are not to be measured by the length of their academical studies. It is only a slight foundation of knowledge that can be laid by the most industrious, during the time generally allotted to academic bowers; for it must depend upon the employment of our future lives what kind of superstructure is raised. I was originally educated for the Church of Scotland, and had undergone all the various trials required

by the laws of that Church, previous to the exercise of the clerical functions. Those who are acquainted with the generally excellent education of the Scottish clergy, and with the length of time required by the institutions of that Church, to be spent by them in the preparatory studies of classical literature and philosophy, will not suppose that my early life has been misemployed, or that these studies did not afford a good foundation for a medical education.

It was by accident that I was ever concerned in this trial. Having, in the manner I have stated, seen the womb at Mr. Reay's, and having, from that time, entertained doubts respecting the delivery of a child; the subject, as was natural to suppose, considering the vast importance of it, took firm hold of my mind, and was repeatedly pressed upon its attention, by the frequency with which it was made the subject of conversation in all circles at Liverpool. The more I considered the subject of the pregnancy it appeared to me the more doubtful; so that at length I ventured to express these doubts in the private circle of my friends, not supposing that any use would be made of what I said. The knowledge of my doubts was conveyed to the ears of the friends of the prisoner. When the solicitor, on the part of the defence,

Mr. Atkinson of Lancaster, came to Liverpool in the course of last summer, to obtain all possible information on the case, for the purpose of preparing his brief; and when the medical gentlemen who examined the body, refused to give him any information, (though it was well known that they were closeted almost daily with the solicitor for the prosecution, and had thereby shewn that they were completely enlisted upon one side of the question) he, at the direction of the prisoner's friends, called on me, and requested my opinions upon the case. He gave me a statement of the particulars of the medical part, as drawn up by the prisoner himself, from his recollection of the examination before the coroner. I said I would take the case into consideration, and send him my sentiments in writing, in a short time. Accordingly I applied my mind to the consideration of this great question with seriousness and assiduity, and without bias. At the time the solicitor called upon me, it was not, I believe, intended, at least no mention of such an intention was made to me, that I should be required to go to Lancaster. I was, however, about a month before the trial, served with a subpœna, and was informed, at the same time, that some other medical gentlemen, particularly Dr. Campbell of Kendal, were also subpœnaed. From this

time I applied myself still more eagerly to the subject; for, independently of the duty by which I was now bound to endeavour to form a correct opinion, it was natural for me, expecting to meet in consultation on such an important case, gentlemen much my superiors in years and experience, and of high reputation in the world; to wish to appear before them in a favourable light. I knew, too, that it would be particularly expected of me, to bring all the information which my local situation afforded me an opportunity of obtaining. As it is well known that a knowledge of the temperament, habits, diseases and general health of the deceased, is of the greatest value in enabling any medical gentleman to form a correct opinion on such question; I availed myself of all the means that existed of being fully informed on these points, and that information had no small share in fixing the opinions which I supported. At Lancaster I met Dr. Campbell, of Kendal, who has long been known as one of the most eminent medical characters in the North of England. After a full discussion, we seemed to be of one mind respecting both parts of the question, and jointly communicated our sentiments to the prisoner's Counsellors, who, with the Solicitor, had assembled to receive our opinions on the evening before the trial. We both stated distinctly, that

as our opinions referred to the case that had been drawn up by the prisoner himself, and that as a slight omission or variation in the description might make an important difference in the conclusions that naturally followed, our sentiments upon hearing the medical evidence might be greatly changed. Both Dr. Campbell and myself said, at this consultation, that no good could be obtained, by our being examined in Court, and that they must depend upon the cross-examination of the medical witnesses for the establishment of what we conceived to be the truth. The Counsellors said that in this trial, which rested so much upon medical facts and anatomical details, about which they lamented that they were so imperfectly informed, they must depend in a great measure upon us; and for that purpose they proposed that we should take our seats immediately behind them in Court. This arrangement, accordingly was observed.—After, however, all the very able and long-continued exertions of the Counsellors, it appeared to them at the close of the examination of the medical witnesses for the Crown, that they had failed in completely establishing what they aimed at.—It was then proposed, first to Dr. Campbell, if he was willing to give evidence in court. That gentleman declined it, as he had neither seen the stomach nor womb of the deceased; but observed that,

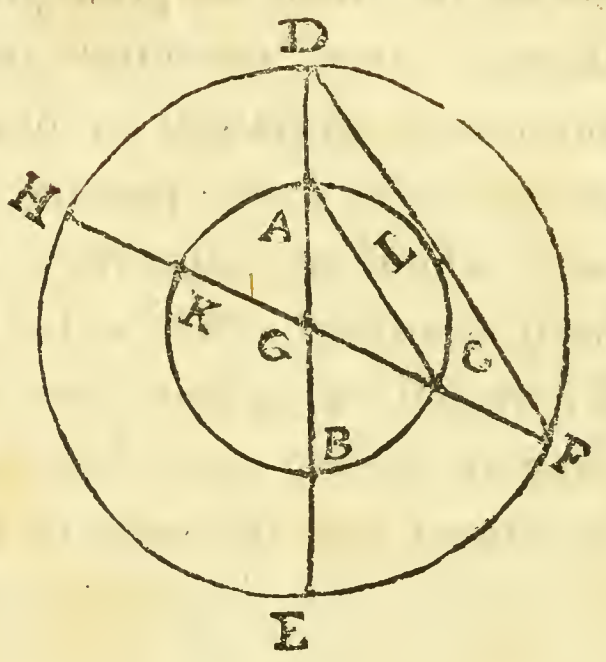
as I had, I might give my opinions with the greatest propriety. The question was then put to me.—It was at this moment of awful expectation a tremendous question. Duty called upon me to consent, but every thing else that could influence the human mind, opposed it. It appeared that it could only be a vain attempt to stem a torrent that, in the general opinion, seemed to be overwhelming. My conduct, I knew, would be exposed to malignant interpretation. The constituted authorities of the town in which I lived, and on the good opinion of which the subsistence of myself and family in a great measure depended, were embodied in the prosecution. I found that I should have to perform the ungracious office of contradicting the sentiments of the other medical gentlemen who had been examined, with whom it was my interest, and a great gratification, to remain on terms of friendship. I would ask any man if any earthly consideration, or any of those sinister motives which my opponents have so freely and uncharitably imputed to me, could have influenced my conduct on so trying an occasion. I was supported alone by the consciousness of rectitude, by the imperious demands of duty, and, above all, by the conviction that I might one day have to answer for my pusillanimity before a tribunal still more awful than that before which the prisoner then stood——even the tribunal of Heaven.

The authors of the "Vindication" have, with much feeling, lamented over the ruins of my reputation, and with admirable delicacy, predicted the complete destruction of my prospects. Far be it from me to imitate these gentlemen, in presumptuously laying claim to the attribute, which belongs alone to the great Searcher of hearts, that of discerning the hidden motives of human actions. But the consequences of our actions come fairly within the scope of human examination. So far as it has been in their power, those gentlemen have contributed to the accomplishment of their predictions. But should even the consequences which, with so much appearance of satisfaction, they have predicted, or worse even than what their hearts could wish, be realised; it is impossible that I should ever feel the least compunction for what I have done. On the contrary, this transaction will ever be contemplated by the eye of reflection, with a delight that will more than counterbalance any transient evil that may proceed from it. Character and interest are worthy the consideration of every good man, but by no means ought they to occupy the first place in the scale of duty. It has ever been the rule of my life, and I trust I shall never be induced to swerve from the sacred maxim, to do what my conscience tells me to be right, and to leave the consequences to God. But let me tell these gen-

tlemen, that there exists, deeply rooted in the hearts of men, a principle of justice, which, though it may, on certain occasions, be for a time suppresed, overawed or blinded, will, at length, prevail over every passion, and will assume the seat, which prejudice may, for a time, have unfairly occupied. When that period arrives, which, I perceive, is, in this case, not far distant, it will then be known who shall have the greatest cause to lament over the ruins of his reputation.

NOTE. *See Page 78.*

Let A B C and D E F be two great circles in the same plane, of two concentric spheres.—Let A L C be any segment of the great circle of the lesser sphere. Through A, C, draw the diameters D A G E and F G K H. Join A, C, and D, F.



Then, G A : G D : : A C : D F. Therefore, B A : E D : : A C : D F. But the base A C, is to the base D F, as the segment A L C is to the similar segment D F, therefore A B, is to D E, as the segment A L C is to the segment D F. But as A B, is to D E, so is the cube root of the sphere of which A B C is a great circle to the cube root of the sphere of which D E F is a great circle. Therefore the segment A L C of the lesser circle, is to the similar segment D F of the greater circle, as the cube root of the less sphere, is to the cube root of the greater. Suppose the cube root of the sphere, of which A B C is a great circle = n ; and the cube root of the sphere, of which D E F is a great circle = m ; and let A L C = b, and the similar segment D F = x. Then n : m : : b : x, but by supposition $m^3 = 5\,n^3$. take n equal to any number, as 2 ; $m^3 = 5 \times 2^3 = 40$, $m = \sqrt[3]{40} = 3\frac{1}{2}$, very nearly. As the diameter of the supposed placental mark was $7\frac{1}{2}$ inches one way, and $6\frac{1}{2}$ the other way, this space would be equal, very nearly, to the area

of a circle whose diameter was 7 inches. Then b = 7. Therefore 2 : $3\frac{1}{2}$: : 7 : x. x = 12 250, which would have been the mean diameter of the placental mark at the full period of gestation; or, neglecting the fraction, 12 inches.

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